

CITY OF ELKO CITY MANAGER 1751 COLLEGE AVENUE ELKO, NEVADA 89801 (775) 777-7110/FAX (775) 777-7119

The Elko City Council will meet in regular session on Tuesday, May 28, 2019

Elko City Hall, 1751 College Avenue, Elko, NV 89801, at 4:00 P.M., P.D.S.T.

Attached with this notice is the agenda for said meeting of the Council.

In accordance with NRS 241.020, the public notice and agenda was posted on the City of Elko

Website, http://www.elkocity.com, the State of Nevada's Public Notice Website,

https://notice.nv.gov in the following locations:

ELKO CITY HALL 1751 College Avenue, Elko, NV 89801 Date: Time Posted: May 22, 2019 at 8:30 a.m.

ELKO COUNTY COURTHOUSE 571 Idaho Street, Elko, NV 89801 Date/Time Posted: <u>May 22, 2019 at 8:40 a.m.</u>

ELKO POLICE DEPARTMENT 1448 Silver, Elko NV 89801 Date/Time Posted: <u>May 22, 2019 at 8:50 a.m.</u>

ELKO COUNTY LIBRARY 720 Court Street, Elko, NV 89801 Date/Time Posted: May 22, 2019 at 9:00 a.m.

Posted by: <u>Kim Wilkinson</u> <u>Administrative Assistant Kim Shekenson</u> Name Title Signature

The public may contact Kim Wilkinson by phone at (775)777-7110 or email at **<u>kwilkinson@elkocitynv.gov</u>** to request supporting material for the meeting described herein. The agenda and supporting material is available at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at <u>http://www.elkocity.com</u>

Dated this 22nd day of May, 2019

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Elko City Council, 1751 College Avenue, Elko, Nevada 89801, or by calling (775) 777-7110.

Curtis Calder, City Manager

<u>CITY OF ELKO</u> <u>CITY COUNCIL AGENDA</u> <u>REGULAR MEETING</u> <u>4:00 P.M., P.D.S.T., TUESDAY, MAY 28, 2019</u> <u>ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA</u>

CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. ACTION WILL NOT BE TAKEN

APPROVAL OF MINUTES: May 14, 2019 Regular Session

I. **PRESENTATIONS**

- A. Proclamation by the Mayor in recognition of the month of June as Men's Health Month, and matters related thereto. INFORMATION ITEM ONLY – NON ACTION ITEM
- B. Pursuant to NRS 354.596, review, discussion, and approval of the Final Budget for the City of Elko for Fiscal Year 2019/2020, inclusive of all funds, and matters related thereto. FOR POSSIBLE ACTION

II. CONSENT AGENDA

A. Review, consideration, and possible acceptance of a Grant of Easement between Joy Global Surface Mining Inc., and the City of Elko, and matters related thereto. FOR POSSIBLE ACTION

This easement was requested by the City of Elko in response to satisfy NDEP requirement. RL

III. APPROPRIATIONS

A. Review and possible approval of Warrants, and matters related thereto. FOR **POSSIBLE ACTION**

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- B. Review and possible approval of Print 'n Copy Warrants, and matters related thereto. FOR POSSIBLE ACTION
- C. Review, consideration, and possible issuance of final acceptance or the East Secondary Clarifier Rehabilitation Project 2019, and matters related thereto. FOR POSSIBLE ACTION

The Gateway Company of Utah, LLC has completed the work. Staff recommends the issuance of final acceptance. There were no change orders for the project. RL

IV. UNFINISHED BUSINESS

A. Review, consideration, and possible approval of a request from Double Dice RV Park (Ms. Lori Vavak) for reimbursement of water damage related expenses due to higher than normal water pressure at Double Dice RV Park, and matters related thereto. FOR POSSIBLE ACTION

At the May 14, 2019 City Council meeting, action was taken by Council to table this item until the May 28, 2019 meeting.

On July 25, 2018, the pressure at Double Dice RV Park was checked in response to a customer request. It was 110 psi. Typical pressure here is in the 65-85 psi range. The root cause of the high pressure was a faulty City Pressure Reducing Valve, which was promptly repaired.

In the attached backup documents, Double Dice RV Park claims this has been an ongoing problem for over 2 years. City Staff refute this claim. City insurance (Alternative Service Concepts) has denied coverage of this claim and suggested Double Dice RV Park install "proper equipment" and "prevention measures" such as their own pressure reducing valve. Uniform Plumbing Code section 608.2 requires customers to install and maintain their own pressure reducing valve when the water pressure exceeds 80 psi. RL

B. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. MR

V. NEW BUSINESS

A. Review, consideration, and possible approval for a grant of a utility, access, and maintenance easement on a portion of APN 001-673-003 to Sierra Pacific Power Company, a Nevada Corporation, dba NV Energy associated with utility service to an abutting private property, and matters related thereto. FOR POSSIBLE ACTION

A City-owned parcel separates the existing NV Energy power poles and a privatelyowned parcel currently being developed. The requested easement is to provide power service to this developing parcel along with the ability for NV Energy to access and maintain the new service line. MR

B. Review, consideration, and possible approval of the First Amendment to Contract of Purchase and Sale, between Bailey & Associates, LLC and City of Elko, and matters related thereto. FOR POSSIBLE ACTION

Bailey & Associates was the only bidder at the public auction for the sale of APN 001-066-005. Staff, as well as Elko County Assessor's Office, has since determined that the title to the property does not contain a needed right-of-way dedication. With this amendment, Bailey & Associates LLC will be agreeing to dedicate the northeasterly 10' of Lot 1 to the City of Elko after the purchase of the property. CL

C. Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision, and matters related thereto. FOR POSSIBLE ACTION

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. As part of the conditions of approval the Planning Commission recommended that the agreement be approved by the City Council. The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. MR

VI. RESOLUTIONS AND ORDINANCES

A. First reading of Ordinance No. 839, an ordinance amending Title 2, Chapters
 2, 3, 4, 5, 6, 7, 8 & 13 of the Elko City Code entitled "Building Regulations" by adding 2018 International code, and corresponding amendments, and matters related thereto. FOR POSSIBLE ACTION

On January 9, 2018, Council directed Staff to initiate the adoptions of the 2018 International Building Codes and initiate a Business Impact Statement. On May 14, 2019 Council found that Ordinance No. 839 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. KW

B. First reading of Ordinance No. 840, an ordinance amending Title 6, Chapter 1, of the Elko City Code entitled "Fire Code", and direct Staff to set the matter for public hearing, second reading, and possible adoption, and matters related thereto. FOR POSSIBLE ACTION

On February 26, 2019, Council approved the initiation on Ordinance No. 840 and directed Staff to complete a Business Impact Statement. On May 14, 2019, Council found that Ordinance No. 840 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. KW

VII. 5:30 P.M. PUBLIC HEARINGS

A. Review, consideration, and possible action to rename the segment of 15th Street, south of Silver Street to the cul-de-sac, to Walters Court, and matters related thereto. FOR POSSIBLE ACTION

This request is from the City of Elko Police Department Honor Guard. The name "Walters" is referencing the Elko Police Department's only line of duty death to this date, Officer Clyde "Rusty" Walters. The City Council accepted the name change petition at their April 23, 2019 meeting and directed Staff to set the matter for a public hearing. BT

B. Review, consideration, and possible adoption of Resolution No. 8-19, a resolution of the Elko City Council amending the Elko City Master Plan Transportation Component and Transportation Atlas Map #12, filed as Elko City Master Plan Amendment No. 1-19, and matters related thereto. FOR POSSIBLE ACTION

On May 7, 2019 the Planning Commission adopted its Resolution No. 1-19 to amend the Transportation Component and the Transportation Atlas Map #12 of the current Elko City Master Plan, and also took action to recommend City Council adopt said amendment via a resolution. An amendment of this type requires positive action by both the Planning Commission and the City Council. If the City Council suggests any changes to the Master Plan amendment as adopted by the Planning Commission, the Master Plan must first go back to the Planning Commission for review and approval. CL

VIII. REPORTS

- A. Mayor and City Council
- B. City Manager Legislative Update
- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Manager

- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk Non-Compliant Lodging Businesses (Transient Lodging Tax)
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
- O. Civil Engineer
- P. Building Official

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. ACTION WILL NOT BE TAKEN

NOTE: The Mayor, Mayor Pro Tempore, or other Presiding Officer of the City Council reserves the right to change the order of the agenda, and if the agenda has not been completed, to recess the meeting and continue on another specified date and time. Additionally, the City Council reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

Respectfully Symphitted,

Curtis Calder City Manager

City of Elko	
County of Elko	
State of Nevada	

SS May 14, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, May 14, 2019.

This meeting was called to order by Mayor Reece Keener.

CALL TO ORDER

ROLL CALL

Mayor Present:	Reece Keener
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Council Present: Councilwoman Mandy Simons Councilman Robert Schmidtlein *arrived at 4:22 p.m.* Councilman Chip Stone Councilman Bill Hance

City Staff Present: Curtis Calder, City Manager Scott Wilkinson, Assistant City Manager Ryan Limberg, Utilities Director Kelly Wooldridge, City Clerk Michele Rambo, Development Manager Jeff Ford, Building Official Bob Thibault, Civil Engineer Candi Quilici, Accounting Manager Dennis Strickland, Public Works Director Ben Reed Jr., Police Chief Ty Trouten, Police Captain Susie Shurtz, Human Resources Manager James Wiley, Parks and Recreation Director Jim Foster, Airport Manager John Holmes, Fire Marshal Cathy Laughlin, City Planner Dale Johnson, Water Superintendent Dean Cernick, Assistant Water Superintendent Dave Stanton, City Attorney Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. ACTION WILL NOT BE TAKEN

Councilman Stone said tonight was the Elko High School Jazz Festival at the Convention Center, starting at 7:30 p.m.

APPROVAL OF MINUTES: April 23, 2019 Regular Session

** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the minutes.

The motion passed unanimously. (4-0 Councilman Schmidtlein was absent.)

I. **PRESENTATIONS**

A. Reading of a proclamation by the Mayor in recognition of the American Cancer Society's Relay for Life of Elko, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation.

Angela West, 3650 E. Idaho Street, said a few words about the upcoming event, which will be held beginning Saturday at noon, at the Main City Park.

Mayor Keener thanked them for all that they do.

 B. Reading of a proclamation by the Mayor declaring May 18, 2019 as Kids to Parks Day, and matters related thereto. INFORMATION ONLY - NON ACTION ITEM

Mayor Keener read the proclamation.

C. Acknowledgement of six (6) City of Elko employees who were recently awarded "Road Scholar" Certificates through the Nevada Local Technical Assistance Program (LTAP), and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Dennis Strickland, Public Works Director, explained the LTAP program and that six of his employees have obtained the Road Scholar Certification.

Mayor Keener gave out the certificates to the following Street Department employees: Paul Algerio, Levi Bengoechea, Victor Garcia, Steve Schroeder, Pat Flowers and Doug Standley.

D. Presentation by Mr. Brock Polish, regarding plans for an attraction in Elko, targeting youth ages 2-12, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM

Brock Polish, 101 Spruce Road, Apt. C104, gave a presentation for a splash park (Exhibit "A").

Councilman Schmidtlein arrived at 4:22 p.m.

Mayor Keener asked if he had presented to the DBA yet. (no). The Parks and Recreation Advisory Board would be a good place to start.

Mr. Polish said he wondered where to start and people told him to start with Council because they are the ones that make the final decision.

Scott Wilkinson, Assistant City Manager, said there has been some discussion about a splash pad being incorporated into the Centennial Park.

Councilwoman Simons said they have talked about this before. She has had people ask why we didn't put one in Angel Park where they took out the tennis courts. It would be popular.

Councilman Stone said the small splash pad next to Pet Co is always busy in the summer. He thought it was a great idea.

Mayor Keener encouraged Mr. Polish to keep working to make the project a reality. He also suggested he talk to James Wiley, Parks and Recreation Director.

II. CONSENT AGENDA

A. Review and possible approval of an agreement between the City of Elko and Erika Johnson, D.V.M., for the provision of independent contractor services on behalf of the City of Elko Animal Shelter, and matters related thereto. FOR POSSIBLE ACTION

The City of Elko and Dr. Erika Johnson desire to renew the annual Veterinarian Contract. Under this contract, LASSO reimburses the City of Elko for all fees paid. CC

B. Review and possible approval of an agreement between the City of Elko and William Wright, D.V.M., for the provision of independent contractor services on behalf of the City of Elko Animal Shelter, and matters related thereto. FOR POSSIBLE ACTION

The City of Elko and Dr. William Wright desire to renew the annual Veterinarian Contract. Under this contract, LASSO reimburses the City of Elko for all fees paid. CC

** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Consent Agenda.

The motion passed unanimously. (5-0)

III. PERSONNEL

- A. Employee Introductions:
 - 1.) Frank Zaga, Landfill Equipment Operator, Public Works Department Present and introduced.

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

A. Review, consideration, and possible approval of a request from Double Dice RV Park (Lori Vavak) for reimbursement of water damage related expenses due to higher than normal water pressure at Double Dice RV Park, and matters related thereto. FOR POSSIBLE ACTION

On July 25, 2018, the pressure at Double Dice RV Park was checked in response to a customer request. It was 110 psi. Typical pressure here is in the 65-85 psi range. The root cause of the high pressure was a faulty City Pressure Reducing Valve, which was promptly repaired.

In the attached backup documents, Double Dice RV Park claims this has been an ongoing problem for over 2 years. City Staff refute this claim. City insurance (Alternative Service Concepts) has denied coverage of this claim and suggested Double Dice RV Park install "proper equipment" and "prevention measures" such as their own pressure reducing valve. Uniform Plumbing Code section 608.2 requires customers to install and maintain their own pressure reducing valve when the water pressure exceeds 80 psi. RL

Ryan Limberg, Utilities Director, explained the backup information was in the packet. Perhaps one suggestion would be to allow Mr. Vavak to speak and present his case, then he could make his comments.

Dean Vavak, 3730 E. Idaho Street, Double Dice RV Park, explained this all started a couple of years ago. He called the Water Department then and the problem was fixed. The repairs were reimbursed by the City, just like he was told the City would. It started again and there was more extensive damage. He called the Water Department again. They came out and the pressure was high. There was a lot of damage that he had to fix himself. He was told that the City would take care of the expenses and he was asking that the City reimburse him for the damages. He keeps a clean business and never has any problems. He brings a lot of business into town. If he broke something that belonged to someone else, he would take care of it and not expect them to try to get reimbursed by their insurance company.

Mr. Limberg said they did have an issue several years back with high pressure and similar results. Using the overhead, he demonstrated the waterline system and explained what happened. There are two different codes that require that when the pressure is above 80psi, the customer is required to install their own pressure reducing device. That is in the Uniform Plumbing Code, Section 608.2. He tracked that back all the way to the 1980's where almost the exact same verbage was in there in 1985 that is in there today. It is also in Nevada Administrative Code 445A.6711.

Mayor Keener asked what is an acceptable pressure range for a line to a business as this.

Mr. Limberg said the NAC talks about 100psa as the high spec. If you are above that you need to install something. He explained further about what happened. He doesn't know who said the city would take care of this. There are other customers on the same line. We don't have issues with them because they have their own pressure reducing valves installed.

Mayor Keener asked if the Vavaks installed their own pressure reducing valves on their property when there was the last incident a couple of years ago.

Mr. Limberg answered no. If there had been a device, we wouldn't have this issue now. The city has their two devices, and we maintain those devices, but things break and malfunction. You cannot predict when that would happen even in spite of regular maintenance.

Mayor Keener said he understood there was only one point of shut-off for the trailer park. If there was some type of water leak they could only shut it off at one spot, is that right?

Mr. Limberg said he would like to refute that. In the backup documents, there is a map attached that Mr. Vavak drew up. It says "broke due to 135psi, won't shut off." It shows a sketch of a vault. That vault is a meter valve that does work but you have to turn it about 20 times to get it to close. That is how all of those valves are. There are additional valves that can be turned and closed to shut off. The City valve should not be touched by customers but it can be shut off. If it can't be turned off there are more valves in that vault that can be shut off.

Mr. Vavak said he knows how to turn off a valve, but there was one valve for their park, one for the Vitality Center and another for the Hilton. There was a time there was a really high water bill. He paid over \$10,000 for a vault to be put in. After a few months of getting a lower water bill the water rates increased. He only has to turn off the water if there is a break and there were several breaks in as many days. No one ever told him he needed a pressure reducer valve. Now that it broke he is being told to do it. If he had been told he would have done it. He doesn't want this to happen again so he will look into putting one on.

Councilman Stone asked Mr. Vavak what he wanted out of this.

Mr. Vavak answered he wanted reimbursement in the amount of about \$9,800.

Councilman Stone asked if he felt there was some shared responsibility with the City.

Mr. Vavak said he did the work. It was not shared. When he put in the vault no one told him to put in the pressure reducing valve.

Councilman Schmidtlein asked Mr. Limberg why the City took responsibility for the \$1,900 the last time.

Mr. Limberg answered the City reimburse that but he wasn't sure why. He doesn't recall the Council discussion on that. He would have to research that.

Mr. Vavak said he sent all the stuff to the City and they took care of it. Then when all this happened he said the City insurance would take care of it. He was not told he needed the pressure reducing valve even then. This is the first he heard of it.

Mayor Keener said he doesn't remember that ever being on an agenda. He can't imagine a pressure reducing valve not being added to the mix on that.

Curtis Calder, City Manager, explained that often times the City will pay a claim outright if a claim is below the \$5,000 deductible amount. It probably wasn't turned over to the insurance carrier. In this case, with the amount as it is, it was turned over to the insurance carrier and they denied it because when they looked into it, it didn't meet the code. That is what brought it to our attention.

Mayor Keener spoke about tabling this to see if there was any discussion the last time on a pressure reducing valve. He asked Mr. Vavak to sit down while the board had some discussion about the issue.

Councilman Schmidtlein said he would like to understand why we reimbursed before. If we took responsibility some years ago, he assumes the City felt they had some sort of liability. Also, it was mention that the pressure was at 135psi when City staff went up there to verify. Was that correct?

Mr. Limberg stated the pressure was at 110psi. He, Dale and Mr. Vavak signed it. We noticed that when Mr. Vavak would put on the pressure gauge, he would put it on and turn the faucet on, and there is air in there. The air compresses and will show the pressure is reading higher. It was explained that he needed to let the air bleed off to get a more accurate measurement.

Councilman Schmidtlein stated the code clearly states that Mr. Vavak is responsible for the pressure on his property. It is difficult for him to jump on board and say we will reimburse this. Does the City have liability for this if he is getting sharp bumps?

Mayor Keener said the big finding with that is the neighboring properties were not affected by the pressure bump.

Councilman Schmidtlein said that is correct because they all have pressure reducing valves.

Mayor Keener wanted to go back to the record when this was before Council before and understand if there was any discussion about the pressure reducing valves.

Councilman Stone agreed. If there was liability then, and it is stated that he needed a pressure reducing valve, then that is something that needs to be considered.

Councilwoman Simons wasn't sure if that is going to change what the code says. It says that all the way back to the 1980's.

Mr. Limberg stated that law was in place when the RV Park was developed.

Mr. Vavak said he didn't come in here to lie or make anything up. He saw the pressure at 135 and so did Dean Cernick with his pressure valve. The first time he was told they were trying to get

water to the 3rd floor of the Hilton. They came in and his toilets were blowing up. That was \$1,900 and he was told to turn it into the insurance. He did it and there was nothing said. Even after he put in that vault, he wasn't told he needed a pressure reducing valve. If he had been told he would have put one on.

** A motion was made by Councilman Schmidtlein, seconded by Councilman Hance, to table this item and direct staff to go ahead and check into the allegations of where we reimbursed Mr. Vavak, two years ago or six years ago, whatever it is, and he would like to know a little bit of the basis behind it, whether the Council made the decision, whether City Staff made the decision, and Mr. Vavak, he suggested he get a pressure reducing valve put in as soon as possible so this reoccurrence doesn't continue to move forward.

The motion passed unanimously. (5-0)

Mayor Keener explained to Mr. Vavak that he would be notified when this will be on a future agenda.

V. UNFINISHED BUSINESS

Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. MR

Michele Rambo, Development Manager, gave an update on the project and NDEP approval. She is hopeful this will be the last time this item is tabled.

** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to table.

The motion passed unanimously. (5-0)

IV. APPROPRIATIONS

A. Review and possible approval of Warrants, and matters related thereto. FOR **POSSIBLE ACTION**

** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the general warrants.

Mayor Keener asked about a \$56,000 payment to Cashman Equipment for a new engine replacement.

Dennis Strickland, Public Works Director, explained it has been a difficult year for equipment at the Landfill. That was the motor on the loader because the grader has not been fixed yet, and the compactor was the transmission.

Councilman Stone seconded the motion.

The motion passed unanimously. (5-0)

B. Review and possible approval of Print n' Copy Warrants, and matters related thereto. FOR POSSIBLE ACTION

** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Print 'N Copy warrants.

The motion passed. (4-0 Mayor Keener abstained.)

VIII. REPORTS

A. Mayor and City Council

Mayor Keener had the opportunity to go to Ammon, ID with Troy Poncin and met with officials regarding delivering broadband to their community. They built their own fiber network and the users are very pleased with it. They are looking at that kind of model to see if that is something they want to pursue.

- B. City Manager
- C. Assistant City Manager
- D. Utilities Director New Shop Estimate

Ryan Limberg gave an update on the Combined Shop Costs. He handed out some paperwork (Exhibit "B"). It is down from \$11.5 million to \$9.1 million. He had no update yet on the Pershing County lawsuit. Mayor Keener said he saw some correspondence with cost estimates on the lift station at Exit 298 and he thought it looked heftier than he anticipated. Mr. Limberg thought that was close to what they were estimating.

E. Public Works – Take Pride Report

Dennis Strickland gave a report for the Take Pride – Clean up Green Up event. He would like to discuss different ways to handle this event in future years.

- F. Airport Manager
- G. City Attorney
- H. Fire Chief
- I. Police Chief Police Captain Ty Trouten, Executive Certificate

Chief Reed announced that Ty Trouten, Police Captain, received his Executive Certificate from POST last week. That is the highest certificate you can get from POST. J. City Clerk – Legislative Update

Kelly Wooldridge reported as of today, the Assembly had 337 bills and the Senate had 363. May 17 is the next deadline for passage out of House Committee. May 24 is the next deadline for Second House Passage. It looks like the prevailing wage bills are going through with some changes. There are some public records requests bills and an open meeting bill that has been amended. We have filed two liens against the Shilo Inn for delinquent room taxes. Another lien was filed against the Thunderbird Motel. Shilo Inn was on a payment plan but they have not followed through with it. She hopes to get them back on a payment plan. She has not had any communication from the Thunderbird.

K. City Planner

Cathy Laughlin reminded Council there will be an RDA meeting next Tuesday at 4:00 p.m. It will start with a joint meeting with the RAC and the Mayor will present the 2019 Recognition Awards to eleven recipients.

- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

James Wiley reported the Pool Project is going well, on time and on budget. Mayor Keener asked if June 1 is when the Sports Complex construction is supposed to start again. Mr. Wiley answered yes and they are looking at schedules from contractors.

O. Civil Engineer

Bob Thibault said June 3 is the start date of the Sports Complex Phase 1. There is some work happening at the Fire Department. That is the last phase of the driveway rehab.

P. Building Official

Jeff Ford said Komatsu is moving along ahead of schedule. The hotel on Ruby Vista is moving along after a little hiccup. They will be putting together a presentation on Komatsu soon.

VII. 5:30 P.M. PUBLIC HEARINGS

A. Review, consideration, and possible action to conditionally approve Tentative Map No. 5-19, filed by Granite Holdings LLC., for the development of a subdivision entitled Orchard Cove Phase 2 involving the proposed division of approximately 6.947 acres of property into 19 residential lots and 1 remainder lot within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION

Subject property is located south of the intersection of Colt Drive and Winchester Drive (APN 001-928-004). The Tentative Map was recommended to Council to conditionally approve by Planning Commission at their meeting of April 2, 2019. MR

Michele Rambo, Development Manager, gave a presentation (Exhibit "C").

Mayor Keener asked if the remaining lot will be developed at a later date. Yes.

Mayor Keener called for public comment without a response.

** A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to conditionally approve Tentative Map No. 5-19, for the Orchard Grove Phase 2 Subdivision, subject to the findings and conditions as recommended by the Planning Commission, including the modification of standards for Lot 8. The City Council determines that the property can be divided based on the findings required in Section 3-3-5E(2) of the Municipal Code.

The motion passed unanimously. (5-0)

B. Review and consideration of submitted data and/or arguments and determination as to whether the proposed ordinance No. 839 "an ordinance amending Title 2, 3, 4, 5, 6, 7, 8, and 13 of the Elko City Code entitled "Building Regulations" by adding "2018 International Code, and corresponding amendments, as well as matters related thereto." will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business.

Pursuant to NRS 237.080 the City of Elko notified owners and officers of businesses which may be affected by the ordinance. Staff has prepared a Business Impact Statement for Ordinance No. 839, and matters related thereto. FOR POSSIBLE ACTION

On August 28, 2018, Council approved initiation of Ordinance No. 839, and directed Staff to prepare a Business Impact Statement. Pursuant to NRS 237.090. A Business Impact Statement has been prepared, and must be considered by the City Council prior to the public hearing, and adoption of the ordinance. KW

Kelly Wooldridge, City Clerk, explained the City Clerk's office mailed out the Business Impact Statement to about 3200 businesses, advertised once a week for three weeks in the Free Press and the newspaper wrote a story on it. There was one comment forwarded to her from the City Manager's office. A representative from WC3 was present to explain anything further.

Chris Kimble, WC3, 908 W. Gordon Ave, Layton, Utah, helped the City prepare the codes for adoption. The City's insurance carrier was worried about the old codes used and the ISO, the rating system used. Northern Nevada has adopted the 2018 codes. Elko County is also looking at going to the 2018 codes. Most business owners think that going to the new codes means more money. That isn't always the case. Some things will cost more but some restrictions are being reduced. For owners of existing buildings, the costs to keep the buildings safe can be less. There are other costs that will be going down, such as occupancy counts. There are a lot of good significant changes with minimal cost increases.

Mayor Keener called for public comment without a response.

Ms. Wooldridge said the finding here is there aren't any adverse impacts to businesses.

** A motion was made by Councilman Stone, seconded by Councilman Schmidtlein, to approve the Business Impact Statement pursuant to NRS 237. Ordinance 839 does not

impose a direct or significant economic burden on a business, or directly restrict the formation, operation or expansion of a business.

The motion passed unanimously. (5-0)

C. Review and consideration of submitted data and/or arguments and determination as to whether the proposed Ordinance No. 840, an ordinance amending Title Six (6), Chapter One (1) of the Elko City Code entitled "Fire Code", and matters related thereto" will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business.

Pursuant to NRS 237.080 the City of Elko notified owners and officers of businesses which may be affected by the ordinance. Staff has prepared a Business Impact Statement for Ordinance No. 840, and matters related thereto. FOR POSSIBLE ACTION

Pursuant to NRS 237.090, a Business Impact Statement has been prepared and must be considered by the City Council prior to the public hearing and adoption of the ordinance. KW

Ms. Wooldridge explained this was mailed out at the same as the Building Code. This Ordinance also added amendments to the International Code. The amendments are the same throughout the Northern Nevada Fire Departments. She found no adverse effects.

Mayor Keener called for public comment without a response.

** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to approve the Business Impact Statement pursuant to NRS 237.090. Ordinance No. 840 does not impose a direct or significant economic burden on a business, or directly restrict the formation, operation or expansion of a business.

The motion passed unanimously. (5-0)

IX. LABOR NEGOTIATIONS

A. Closed session to discuss ongoing labor negotiations with the Elko Police Officers Protective Association, IUPA and matters related thereto. **INFORMATION ONLY-NO ACTION REQUIRED**

Note: This portion of the meeting may be closed pursuant to NRS 288; therefore the Council may move to adjourn the meeting prior to consideration of this item.

Mayor Keener asked Mr. Stanton if he could do public comments before going to closed session.

Dave Stanton, City Attorney, said because it is a closed session and there is no restriction on the number of public comment periods, you can have a public comment period now. Then, to tie things up at the end, have another brief public comment period. Put it on the record and then you are done.

Mayor Keener called for public comment.

John Holmes, Fire Marshal, thanked Kelly Wooldridge for her work on the codes changes.

Mayor Keener called for a recess and then went to Closed Session.

Mayor Keener left at 6:30 p.m.

Councilman Stone left at 7:00 p.m.

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. ACTION WILL NOT BE TAKEN

There were no public comments.

There being no further business, Mayor Pro Tempore Robert Schmidtlein adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

Agenda Item I.B.

Elko City Council Agenda Action Sheet

- 1. Title: Pursuant to NRS 354.596, review, discussion, and approval of the Final Budget for the City of Elko for Fiscal Year 2019/2020, inclusive of all funds, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: **PRESENTATION**
- 4. Time Required: 15 Minutes
- 5. Background Information:
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: FY 2019/2019 Draft Final Budget
- 9. Recommended Motion: Approve the Final Budget for the City for Fiscal year 2019/2020, inclusive of all funds.
- 10. Prepared By: Curtis Calder, City Manager
- 11. Committee/Other Agency Review:
- 12. Council Action:
- 13. Council Agenda Distribution:

Agenda Item II.A.

Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible acceptance of a Grant of Easement between Joy Global Surface Mining Inc. and the City of Elko, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: **CONSENT AGENDA**
- 4. Time Required: **3 Minutes**
- 5. Background Information: This easement was requested by the City of Elko in response to satisfy NDEP requirements. RL
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Grant of Easement with two exhibits
- 9. Recommended Motion: Move to approve
- 10. Prepared By: Ryan Limberg, Utilities Director
- 11. Committee/Other Agency Review:
- 12. Council Action:
- 13. Council Agenda Distribution:

APN: 001-679-014 001-679-015 001-679-016 001-679-005

After Recordation Return To:

City of Elko Utilities Director 1751 College Avenue Elko, Nevada 89801

GRANT OF EASEMENT (Fire Line)

THIS GRANT OF EASEMENT is entered into this ______ day of ______, 2019 by and between JOY GLOBAL SURFACE MINING INC, a Delaware corporation ("Grantor") and the CITY OF ELKO, a municipal corporation and political subdivision of the State of Nevada ("Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner of certain real property situate in the County of Elko, State of Nevada, more particularly described in the following exhibits:

EXHIBIT A - LEGAL DESCRIPTION OF A FIRE LINE EASEMENT

and shown on the following map:

EXHIBIT B - DISPLAY MAP OF FIRE LINE EASEMENT

Exhibits A and B, being attached hereto and by this reference made a part hereof, the foregoing property collectively referred to as the "Easement Property," and

WHEREAS, Grantor desires to grant a permanent fire line easement to Grantee and its successors and assigns over the Easement Property for the purposes of and on the terms and conditions set forth herein.

NOW THEREFORE, Grantor, for good and valuable consideration, receipt of which is hereby acknowledged, does here by agree as follows:

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD. Attorneys at Law 530 Idaho Street, P.O. Box 1358 Elko, Nevada 89801 - (775) 738-8091

- 1. Grant of Fire Line Easement. Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Easement Property delineated on the description attached hereto at Exhibit A and depicted on the map attached hereto at Exhibit B and made a part hereof, for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of a fire line, to include, without limitation, water lines, hydrants, standpipes, fire apparatus connections, and all necessary appurtenances and fixtures needed to satisfy State of Nevada and City of Elko fire protection standards and requirements; together with an all-weather road surface sufficient to provide vehicle and equipment access for maintenance of the fire line, and for ingress and egress for all aforementioned purposes.
- 2. <u>Grant of Drainage Easement.</u> Grantor hereby grants to Grantee and its successors, assigns, licensees, contractors, invitees and agents, a permanent non-exclusive easement and right-of-way, over, across, upon, under and through that portion of the Grantor's Property described as the Easement Property delineated on the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B** and made a part hereof, for the purpose of providing drainage of surface water, and for ingress and egress for the purpose of installation, construction, grading, excavation, operation, repair and maintenance of drainage facilities.
- 3. <u>Access; Use.</u> Except as provided in Sections 1 and 2, above, Grantee shall not traverse, trespass on or disturb other portions of the Grantor's Property or other real property owned by Grantor without the prior written consent of Grantor. Grantee shall comply with all applicable dust control and emissions requirements, regulation and laws while entering over, across, upon, under, and through that portion of the Grantor's Property for ingress and egress and for the purposes described in Sections 1 and 2, above.

THIS GRANT OF EASEMENT and the terms contained herein shall run with the land and become and be a burden on the Grantor's Property and shall be binding upon and shall inure to the benefit of Grantor and Grantee, and the successors, agents and assigns of Grantor and Grantee, and all the rights herein granted may be assigned.

TO HAVE AND TO HOLD all the singular the said premises, granted together with the appurtenances, unto said Grantee their successors, agents, contractors, licensees and assigns forever.

IN WITNESS WHEREOF, Grantor and Grantee have caused these presents duly to be executed the day and year first above written.

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD. Attorneys at Law 530 Idaho Street, P.O. Box 1358 Elko, Nevada 89801 - (775) 738-8091

GRANTOR:

GRANTEE:

JOY GLOBAL SURFACE MINING INC, a Delaware corporation CITY OF ELKO, a political subdivision of the State of Nevada

By:		By:
Its:		REECE KEENER Mayor, City of Elko
	•	
STATE OF NEVADA)	
COUNTY OF ELKO	: ss.)	

This instrument was acknowledged before me on this _____ day of _____ 2019, by Reece Keener, as City of Elko Mayor, on behalf of said entity, as therein named.

NOTARY PUBLIC

STATE OF NEVADA) : ss. COUNTY OF ELKO)

This instrument was acknowledged before me on this _____day of ______ 2019, by _______, as President of Joy Global Surface Mining Inc, on behalf of said entity, as therein named.

NOTARY PUBLIC

GOICOECHEA, DI GRAZIA, COYLE & STANTON, LTD. Attorneys at Law 530 Idaho Street, P.O. Box 1358 Elko, Nevada 89801 - (775) 738-8091

FIRE LINE EASEMENT

A Fire line easement located in the Northwest Corner of Section 30, Township 34 North, Range 55 East, Mount Diablo Base and Meridian. Said easement being 10 feet wide, 5 feet on each side of the center line described below:

Beginning at a point being South 1°02'00" West 451.59 feet along the Section line and East 1096.83 feet from the Northwest corner of said Section 30;

Thence South 32°11'47" West 170.73 feet;

Thence South 60°44'44" West 98.15 feet;

Thence South 29°05'13" East 168.98 feet;

Thence South 0°00'11" East 219.94 feet to Point "A";

Thence South 0°00'11" East 9.19 feet;

Thence South 52°09'33" West 296.33 feet;

Thence South 89°59'48" West 212.74 feet to Point "B";

Thence South 89°59'48" West 399.91 feet to Point "C";

Thence South 89°59'48" West 17.85 feet;

Thence North 45°00'00" West 127.55 feet;

Thence North 277.69 feet;

Thence North 45°00'00" East 99.17 feet to Point "D";

Thence North 45°00'00" East 160.80 feet;

Thence South 89°54'36" East 299.87 feet to Point "E";

Thence South 89°54'36" East 333.38 feet to Point "F";

Thence South 89°54'36" East 7.75 feet to Point "G";

Thence South 89°54'36" East 33.49 feet;

Thence North 60°44'44" East 16.32 feet to the center line Point of Terminus, said center line Point of Terminus being South 192.44 feet and West 176.60 feet from the Point of Beginning.

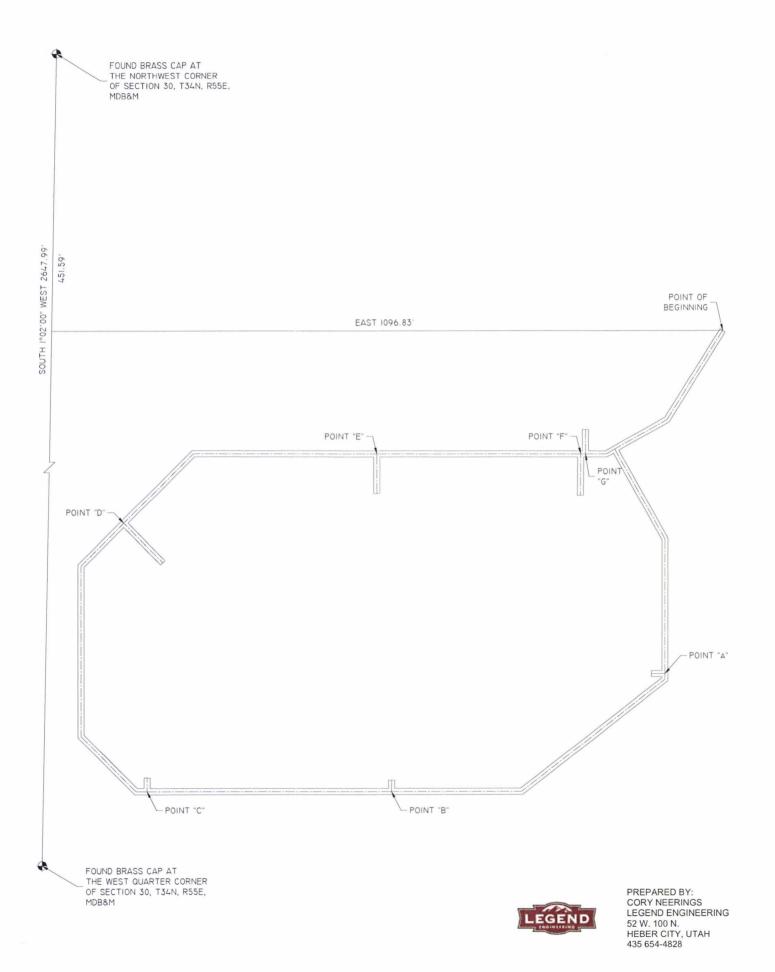
Thence continuing from above mentioned Points, the following courses:

Thence North 89°43'41" West 21.93 feet from said Point "A" to the Point of Terminus; Thence North 0°27'52" East 18.72 feet from said Point "B" to the Point of Terminus; Thence North 0°28'24" East 22.58 feet from said Point "C" to the Point of Terminus; Thence South 44°26'58" East 90.77 feet from said Point "D" to the Point of Terminus; Thence South 0°03'09" West 64.71 feet from said Point "E" to the Point of Terminus; Thence South 0°31'19" West 67.68 feet from said Point "F" to the Point of Terminus; Thence North 0°05'21" West 39.96 feet from said Point "G" to the Point of Terminus;

Contains 0.743 acres or 32,362 square feet, more or less.

Prepared by:

Corry Neerings Legend Engineering 52 West 100 North Heber City, Utah (435) 654-4828



Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible issuance of final acceptance for the East Secondary Clarifier Rehabilitation Project-2019, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: APPROPRIATION
- 4. Time Required: **3 Minutes**
- 5. Background Information: The Gateway Company of Utah, LLC has completed the work. Staff recommends the issuance of final acceptance. There were no change orders for the project. RL
- 6. Budget Information:

Appropriation Required: \$ 104,198.00 Budget amount available: \$ 81,500.00 Fund name: WRF

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information:
- 9. Recommended Motion: **Move to issue final acceptance.**
- 10. Prepared By: Ryan Limberg, Utilities Director
- 11. Committee/Other Agency Review:
- 12. Council Action:
- 13. Council Agenda Distribution:

Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible approval of a request from Double Dice RV Park (Ms. Lori Vavak) for reimbursement of water damage related expenses due to higher than normal water pressure at Double Dice RV Park, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: UNFINISHED BUSINESS
- 4. Time Required: 10 Minutes
- 5. Background Information: At the May 14, 2019 City Council meeting, action was taken by Council to table this item until the May 28, 2019 meeting.

On July 25, 2018, the pressure at Double Dice RV Park was checked in response to a customer request. It was 110 psi. Typical pressure here is in the 65-85 psi range. The root cause of the high pressure was a faulty City Pressure Reducing Valve, which was promptly repaired.

In the attached backup documents, Double Dice RV Park claims this has been an ongoing problem for over 2 years. City Staff refute this claim. City insurance (Alternative Service Concepts) has denied coverage of this claim and suggested Double Dice RV Park install "proper equipment" and "prevention measures" such as their own pressure reducing valve. Uniform Plumbing Code section 608.2 requires customers to install and maintain their own pressure reducing valve when the water pressure exceeds 80 psi. RL

6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: Water

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Double Dice RV Park supporting documents, Alternative Service Concepts correspondence, City Maintenance records and invoices.
- 9. Recommended Motion: **Pleasure of the Council**
- 10. Prepared By: Ryan Limberg, Utilities Director
- 11. Committee/Other Agency Review:
- 12. Council Action:
- 13. Council Agenda Distribution: Ms. Lori Vavak Double Dice RV Park

rvtours@aol.com

Created on 5/14/2019

Council Agenda Action Sheet

May 20, 2019

In April of 2015, we had a report of excessive water pressure at the Double Dice RV Park. This was the first time that I had dealt with high pressure at this location. When the call came in, Dean Cernick and I went to investigate the problem. Upon our arrival, we met Mr. Vavak near an RV space where he was speaking with one of his customers about his motorhome. When they were finished talking Mr. Vavak told us that he had a few leaks in the park and the pressure had burst a pipe in the person's motor home he had been talking with. Mr. Vavak continued to show us the leaks on his property and I asked him if the RV spaces had PRV's on them. Mr. Vavak told me no and stated it was the City's fault that they were having high pressure because of the regulator on Manzanita. I then suggested to him that it would be a good Idea to put pressure regulators on each space to prevent damage to his customers RV's. I told him they also make a PRV that can be placed inline on the hose connection to a RV. Mr. Vavak did not want to hear that, but insisted we look at the leaks on his property and turn the water off. Dean Cernick and I left the property and went down on Manzanita to look at the two PRV stations that feed the Double Dice RV Park, Iron Horse RV Park, Elko Daily Free Press, Redi Services, Elko Tool and Fastener, Hilton Garden Inn, Quality Inn and Suites, and the Norco. We determined that the 10" Roll Seal valve was malfunctioning and turned it off because we did not have parts on hand to fix it. Dean and I went to the remainder of the businesses that the PRV feed to see if any of them were having pressure issues. The only business that was experiencing pressure

issues was Hilton Garden Inn. They had low pressure on the top floor of the building. Dean and I

then went back to Manzanita, adjusted the PRV, went back to the Hilton Garden Inn, and spoke with the maintenance personnel about the low pressure on the top floor. With the adjustments we made and some internal adjustments on their property, we were able to get decent pressure to the top floor.

It was now nearing the end of the day, so we went back to Double Dice to see if Mr. Vavak was ready for us to turn his water back on. Mr. Vavak was working on the service line to a white Double Wide in the southeast corner of the property. Mr. Vavak was having problems with aligning the pipe and getting the repair couplings on. Dean Cernick decided he was going to get in the hole and help Mr. Vavak make the repair so we did not have to wait any longer to turn the water back on to make sure the pressure was not too high. As Dean Cernick got in the hole, I handed him a couple pipe wrenches. It took the two of them about five minutes to get the repair made and we were able to turn the water back on. With the water, back on we checked the pressure and it was about 80 psi, a lot higher than the pressure they are accustomed to, but not high enough to cause damage to their property.

We explained to Mr. Vavak that we had to increase the pressure to get water up to the top floor of the Hilton Garden Inn. Mr. Vavak was not exactly happy about this and expressed his concern that we were going to cause more damage to his park. At that time, I told him he needed to put a PRV on his incoming water to prevent damage to his property. I compared the Iron Horse RV Park to his park, and explained their pressure is always 110 psi and they never have issues because they and all the other businesses in the area have the proper devices to protect their infrastructure.

No other Water Department personnel was ever dispatched to Double Dice RV Park to make repairs. Dean Cernick and I were the only ones that helped Mr. Vavak, because we needed to get the water on so we could get pressure checks and make adjustments if needed. I have talked with my entire crew and none of them fixed a leak at the Double Dice RV Park. We have also reviewed all of their daily crew log sheets for April 2015 including the rest of the year and none of them noted anything about the Double Dice RV Park.

Dale Johnson

City of Elko Water and Sewer Superintendent

De pr-

CITY OF ELKO ORDINANCE NO. 731

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, SECTION 5 OF THE ELKO CITY CODE ENTITLED "WATER SERVICE" AMENDING THE CHARGES FOR SERVICE TAPS (TAP FEE), AND OTHER MATTERS APPROPRIATELY RELATED THERETO.

WHEREAS, the City desires to make various changes to Title 9, Chapter 1, Section 5 of the Elko City Code to amend the charges for service taps (tap fee) to reference the fees by resolution only.

THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN AS FOLLOWS:

For amendment purposes, amended, added and omitted matters are so indicated. Text which is bold and underlined is added to existing code and text which is bold and lined through is deleted from existing code.

SECTION 1: Title 9, Chapter 1, Section 5 is amended to read as follows:

9-1-5: WATER SERVICE:

- A. Applications:
 - 1. Content: Each applicant for water service shall be required to sign, on a form provided by the water department, an application which shall set forth:
 - a. Date.
 - b. Location of premises to be served, giving street address and description of property to be served.
 - c. Applicant's name and mailing address and the name and mailing address of the legal owner of the premises.
 - d. Purpose for which the property will be used (residential, commercial, apartments, etc.).
 - e. Person and address to which the monthly bills are to be mailed.
 - f. The date the applicant will be ready for water service.
 - g. The name of the contracting or plumbing agency that will be hooking the premises to the city water system (new connections).
 - h. If the applicant is not the legal owner of the property, the applicant shall provide written evidence of authorization to apply for service from the legal owner of the property.
- 2. Purpose: The application is merely a written request for service and does not bind the applicant to take service for any period of time, nor does it bind the city to serve, except under reasonable conditions.
 - 3. Responsibility: The legal owner is responsible for the payment of all water charges at the premises for which an application is made. Only the legal owner of the premises may request

1

termination of water service or a change in the person or address to which the monthly water bill is to be sent.

- B. Change In Customer Equipment Or Operations: A customer making any change in the size, character or extent of the equipment or operations for which the service is utilized shall immediately file with the water department a new application for additional service.
- C. Charges For Service Taps (Tap Fee):

1. The city will install service pipes to a point at or near the property line. In no case will a service connection be made unless the property to be served fronts on a street or alley with an adequately sized main and the distance the department has to run the service is less than seventy five feet (75'). In no instance will service connections be installed across private property. The property owner shall, at his cost, install the meter box, yoke and complete the service line. If adequately sized mains are not available, any required main extensions shall be extended in accordance with the terms and conditions of this code. The adequacy or inadequacy of main sizes shall be determined by the director. (Ord. 323, 2-19-1982)

2. Charges for service taps will be set from time to time by resolution of the city council. Until further charge by resolution of the city council, the charges will be as follows:

³ /4-inch service-	\$340 .00 -
1-inch service	375 .00
1 ¹ / ₂ -inch service	48000-
2 inch service	580.00

If the service is installed in an existing paved street or area, a street cut permit shall be obtained from the city engineer's office and all costs associated with the street cut, including, but not limited to, the street cut, required excavation, repair of the street and any required traffic control shall be paid by the applicant.

Services over two inches (2") will be charged at actual cost of labor, materials and equipment, plus fifteen percent (15%) to cover overhead. In addition, for all sizes of services, the actual cost will be charged, plus fifteen percent (15%) overhead, when unusual conditions require excessive time to complete, such as when a street of reinforced concrete must be trenched manually, or when it is necessary to tunnel under a railroad or a street rather than open trench, or to push or jack service pipe. Unusual conditions will be determined by the director. (Ord. 523, 12-8-1998)

- 3. Charges for service taps shall be collected in advance, normally at the time the building permit is issued. When services are to be at cost plus overhead, an estimate of costs shall be first collected and when the actual cost and overhead is determined, any overpayment will be refunded or an underpayment billed.
- D. Individual Service And Shutoff:
 - 1. Each residence shall have an individual service and shutoff, whether the homes are constructed on the same lot or not. Existing residences wherein more than one are served by a single service shall be allowed to continue as long as all bills for water service are kept current and so long as all rules are

abided by. The water department may, at its own discretion and at any time the above conditions are violated, decline to furnish water until separate services are provided. In all cases where water has been supplied to several parties or tenants from connection with supply controlled by one valve, the water department has contracted with one of the several parties and upon his or their failure to abide by the said rules and regulations the water may be shut off.

- 2. Billings for commercial accounts shall be based on individual services and shut off whether or not there are several separate commercial users of said service. One billing shall be made to the property owner or his authorized agent.
- E. Alterations Or Extensions: No person shall make any alterations or extensions in any water pipe or fixture except in compliance with the provisions of this code.
- F. Service Lines: Service lines shall be placed in a covered trench with at least forty two inches (42") cover over the pipe.
- G. Master House Or Building Valve: Every building or premises served by a water service line shall have a master house or building valve installed at the expense of the owner, in addition to the city valve, so that the occupant or owner can shut off the water supply to the building or premises without using the city valve or requiring the water department to close any city or other valves to permit repairs or to shut off the water to the property for any purpose. The property owner's shutoff valve shall be located inside the structure located upon his property.
- H. Tampering Prohibited: No person, other than authorized city personnel, shall open, close, operate, tamper with, tap or connect into any city valve or any city mains, pipes, laterals, hydrants or other valves or pipes owned or controlled by the city or used by the city in connection with the municipal water works, unless authorized by the director.
- I. Application: Application hereunder may be made by any owner of property to be served, or such owner's duly authorized agent.
- J. Exemptions: Except as herein provided, subdividers and developers who install complete water facilities, including service taps to individual services in their developments as provided in this code, are exempt from the tap fees when these facilities are acceptably installed solely at the expense of the subdivider or developer. The normal connection charge will be paid prior to the issuance of grading and/or building permits.
- K. Water Charge: The water charge begins when a service connection is installed unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the water department for any purpose whatsoever, the property owner must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form will be held liable for water used until the city council is notified in writing to discontinue service or to transfer the account to another property owner.
- L. Water Used Without Water Service Application Being Made: A person taking possession of premises and using water from an active service connection without having made application to the water department for water service, shall be held liable for the water delivered from the date of the last recorded billing. If proper application for water service is not made upon notification to do so by the water department, and if accumulated bills for service are not paid immediately, the service may be discontinued by the water department without further notice.

- M. Damages Through Leaking Pipes And Fixtures: When turning on the water supply as requested and the house or property is vacant, the water department will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb stop. The city council's jurisdiction and responsibility ends at the property line and the city council will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property lines. (Ord. 323, 2-19-1982)
- **SECTION 2:** All ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.
- **SECTION 3:** If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.
- **SECTION 4:** That adoption, the City Clerk of the City of Elko is hereby directed to have this Ordinance published, by title only, together with the Councilmen voting for or against its passage, in the Elko Daily Free Press newspaper, a newspaper printed and published in the City of Elko, for at least one publication.
- **SECTION 5:** This Ordinance shall be effective upon the publication mentioned in Section 4.

PASSED AND ADOPTED this 12th day of April, 2011 by the following vote of the Elko City Council.

- VOTE:
AYES :Mayor Michael Franzoia, Councilmen: Jay Elquist, Jim Conner, Chris JohnsonNAYS:NoneABSENT:Councilman John Rice
- ABSTAIN: None

APPROVED this $\underline{12^{\text{th}}}$ day of <u>April</u>, 2011.

CITY OF ELKO

By:______ MICHAEL FRANZOIA, Mayor

ATTEST:

SHANELL OWEN, City Clerk

Double Dice RV Park 3730 E. Idaho St. Elko, NV 89801 775-397-0401 rvtours@aol.com

RECEIVED MAY 1 6 2010 BY:

5/15/19

City of Elko Elko City Council Members & Curtis Calder, City Manager 1751 College Ave. Elko, NV 89801

Dear Council Members & Mr. Calder:

In reference to the City Council Meeting held on 5/9/19 where the discussion of Double Dice RV Park reimbursement of water damage expenses were discussed, please consider the following when this goes back before the Council for discussion. Please have it read into the record, as important information concerning the City's liability for fires on the property is included in this correspondence.

Please find attached our letter of May 11, 2015 with a breakdown of the costs the City of Elko reimbursed us for in the amount of \$1,795.90 for the exact same type of damages that occurred during the most recent event. This includes damaged parts, loss of business, excavator and labor, and an adjustment to the water bill. This letter also indicates that your crews were out on our property assisting us in digging up and fixing lines on our property that were damaged during this time. Dale was employed for the City at that time, and he felt so bad about the damage it caused and the downtime, that he had crews physically assist us. At no time during the repairs was it ever discussed that we had any obligation to install any type of pressure reducing device. This goes to show that the City of Elko has been aware of the problems with the water fluctuations as an ongoing issue involving the pressure reducer valve on Manzanita since at least 2015. These problems were ignored. The City of Elko also did a fixture count in June of 2016 at our request, because we needed it for a comparison for our other park in Twin Falls, Idaho. At this time no request for a pressure reducing device was made.

When we metered the water to our park, long before the water fluctuation problems, it was professionally installed by Sheen Plumbing to the specifications of the City of Elko and approved by the City of Elko. At no time during that installation was any requirement for any pressure reducing apparatus mandated. The City was so involved in this process that the City made us reduce the size of the line so it would register higher usage and would cost us more money in water/sewer usage fees. The size of the water line was reduced from 6" to 4". When we voiced our concerns that this was against the fire code, the City said they would take

responsibility for it, because the likelihood of two fires taking place on the property at the same time was unlikely. This seemed unsafe to us, and still does. This fact is now on the official record that the City is responsible if two fires every happen simultaneously on the property at 3730 E. Idaho St., and the City of Elko takes full responsibility for any damages resulting from any such fire(s), due to their decision to reduce the size of the line from 6" to 4".

I would like to request that Dean and Ryan from the water department be present at the next meeting. They are the people that were on sight dealing with these issues on an ongoing basis. They were the ones that were out on the property when the pressure tested at 135 psi. Again, at no time was any obligation ever mentioned that we were responsible for any pressure reducing device. So, this is at least four documented times the City of Elko has had more than ample opportunity to require that we install a pressure reducing device but has failed to do so. We have followed every code, inspection, and instruction given to us to the letter. At no time has the City of Elko ever requested of us, required or even mentioned that a pressure reducing device was our responsibility. If it was, we would have followed that requirement as we do all requirements.

The first time we became aware of the rejection letter from the City's insurance company was the day of the last City Council meeting (5/9/19 via email), although we had requested information concerning the status of the claim throughout the process. We had no knowledge of the reason for the claim being rejected until the day of the meeting. Logically, if the argument was going to be that we needed to install a pressure reducing device, we would have been immediately provided with that information. We would also expect that the City of Elko would have immediately informed of us our obligation to install a pressure reducing device. Instead, the City chose to wait for months from the date of the water incident to show us the letter, still never informing us that we were required to install a pressure reducing device. To date we have not been officially informed that we are required to have a pressure reducing device by anyone at the City. How can we comply with a requirement we have **never** been asked to comply with?

The negligence is on the part of the City of Elko in this situation. Since the installation of the water meter to the property, or since the construction of the park, we have never been given any requirement for any such pressure reducing device. However, we have passed every inspection, and we have been dealing with this water pressure fluctuation issue since at least 2015 when the City of Elko paid for the last damages that we incurred due to the neglect of the pressure reducing valve on Manzanita. Simply looking at what had to be done to correct what was wrong with the City's pressure reducing equipment should be proof that the City is to blame for this problem and has neglected their duty to fix it since 2015.

Sincerely, Dem Som Dean Vavak

Double Dice RV Park

Lori Vavak Double Dice RV Park 3730 E. Idaho St. Elko, NV 89801 775-397-0401 (cell)

May 11, 2015

Dean Cernick Elko Water Department 1751 College Ave. Elko, NV 89801

Dear Dean:

Here are the bills from the water break. I also got a water bill for 1140.68 which I paid but the prior month it was \$296.75. I had fewer customers this period than last. We came out so many mornings when water pressure had blown hoses off people's rigs and water was running all over, and when our sprinkler system was popping sprinkler after sprinkler and water was running everywhere not to mention the leak that I think cutting this in half is more than fair. Below is how it breaks down, so whatever you can do will be appreciated. Labor and excavator is pretty cheap! I did have one customer have to replace almost every pipe in his rig because the pressure blew it apart, but I didn't replace anything for them and I didn't tell them anything about the City being responsible, so they are fine. I also lost 7 overnight customers that night because I had no water. I had my desk keep track and I'm sure you guys saw them pulling in and then just pulling out. I just charged what it costs us on the space rental.

Sprinklers (large round)	3 x \$25	\$75
Sprinklers (small round)	3 x \$17	\$ 44
Loss of 7 overnight customers	7 x 35	\$245
Below are costs for fixing the brea	k you guys helped with	
Western Nevada Supply (you guys	were there, attached)	\$261.90
4 hours excavator, labor to fix wat	ter break	\$600.00
Adjustment for water bill breaks a	ll over park	
for multiple days at a time, water	we would not	
have otherwise used at all		<u>\$570.00</u>
Total Damages/Costs		\$1795.90

Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible approval of a request from Double Dice RV Park (Lori Vavak) for reimbursement of water damage related expenses due to higher than normal water pressure at Double Dice RV Park, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: UNFINSIHED BUSINESS
- 4. Time Required: **10 Minutes**
- 5. Background Information: At the May 14, 2019 City Council meeting, action was taken by Council to table this item until the May 28, 2019 meeting.

On July 25, 2018, the pressure at Double Dice RV Park was checked in response to a customer request. It was 110 psi. Typical pressure here is in the 65-85 psi range. The root cause of the high pressure was a faulty City Pressure Reducing Valve, which was promptly repaired.

In the attached backup documents, Double Dice RV Park claims this has been an ongoing problem for over 2 years. City Staff refute this claim. City insurance (Alternative Service Concepts) has denied coverage of this claim and suggested Double Dice RV Park install "proper equipment" and "prevention measures" such as their own pressure reducing valve. Uniform Plumbing Code section 608.2 requires customers to install and maintain their own pressure reducing valve when the water pressure exceeds 80 psi. RL

6. Budget Impact Statement:

Appropriation Required: N/A Budget amount available: N/A Fund name: Water

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Double Dice RV Park supporting documents, Alternative Service Concepts correspondence, City Maintenance records and invoices.
- 9. Recommended Motion: **Pleasure of the Council**
- 10. Prepared By: Ryan Limberg, Utilities Director
- 11. Committee/Other Agency Review:
- 12. Council Action:
- 13. Council Agenda Distribution: Ms. Lori Vavak Double Dice RV Park

rvtours@aol.com

Created on 5/14/2019 Council Agenda Action Sheet

Miller DBA Divine Expressions, modifying the current Package Beer/Wine License, and updating the location address to 1041 Idaho Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

Chief Reed recommended ratification and approval.

** A motion was made by Councilman Schmidtlein, seconded by Councilman Keener, for ratification of the Police Chief's issuance of a 30-day temporary retail beer/wine license and issue a regular Retail Beer/Wine License to Angela and Duncan Miller dba Divine Expressions, modifying the current Package Beer/Wine License and updating the location address to 1041 Idaho Street, Elko.

The motion passed unanimously. (5-0)

III. APPROPRIATIONS (Cont.)

B. Review and possible approval of Print 'N Copy Warrants. FOR POSSIBLE ACTION

** A motion was made by Councilman Rice, seconded by Councilwoman Simons, to approve the Print 'N Copy warrants.

The motion passed. (4-0 Councilman Keener abstained.)

C. Review and possible approval of Chester Plumbing and Heating Warrants. FOR POSSIBLE ACTION

** A motion was made by Councilwoman Simons, seconded by Councilman Rice, to approve the Chester Plumbing and Heating warrants.

The motion passed. (Mayor Johnson abstained.)

A. Review and possible approval of Warrants. FOR POSSIBLE ACTION

** A motion was made by Councilman Rice, seconded by Councilman Schmidtlein, to approve the warrants.

The motion passed unanimously. (5-0)

IX. REPORTS

- A. Mayor and City Council
- B. City Manager *Curtis Calder reported on the status of SB125. It is still alive and well.* C. Assistant City Manager
 - . Assistant City Manager Scott Wilkinson reported on the Homeless Camp progress.

D. Utilities Director

Ryan Limberg reported on some water pressure complaints in the vicinity of Double Dice RV Park and Hilton Garden Inn. The problem has been difficult to track but they have identified a faulty pressure reducing valve.

CITY OF ELKO 1751 COLLEGE AVENUE ELKO, NV 89801

. .

PAY TO:	Doub	Le Dice	RVI	Park

STREET

ADDRESS:

CITY

STATE, ZIP

FUND DISTRIBUTION	INVOICE NUMBER	AMOUNT	
	Per attached	1795	90
	Amount Authorized by Board of Supervisors		
I certify that the foregoing claim is correct and just; that articles specified have been received by the proper officials of this city, or the services stated have been performed; that they	Filed:	MAY 26	2015
were necessary for and have been or will be applied to city purposes; and that to the best of my knowledge and belief the prices charged are reasonable and just.	Paid:	MAY 26	2015
	Check No.	143600	2

Lori Vavak Double Dice RV Park 3730 E. Idaho St. Elko, NV 89801 775-397-0401 (cell)

May 11, 2015

Dean Cernick Elko Water Department 1751 College Ave. Elko, NV 89801

30 Reinburse Dice PUPart To Double Dice PUPart

Dear Dean:

Here are the bills from the water break. I also got a water bill for 1140.68 which I paid but the prior month it was \$296.75. I had fewer customers this period than last. We came out so many mornings when water pressure had blown hoses off people's rigs and water was running all over, and when our sprinkler system was popping sprinkler after sprinkler and water was running everywhere not to mention the leak that I think cutting this in half is more than fair. Below is how it breaks down, so whatever you can do will be appreciated. Labor and excavator is pretty cheap! I did have one customer have to replace almost every pipe in his rig because the pressure blew it apart, but I didn't replace anything for them and I didn't tell them anything about the City being responsible, so they are fine. I also lost 7 overnight customers that night because I had no water. I had my desk keep track and I'm sure you guys saw them pulling in and then just pulling out. I just charged what it costs us on the space rental.

Total Damages/Costs

\$1795.90

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1:9	W /4	Corporate 950 S. Rock Blvd.					ID#: CS PAGE#: 1	OF: 2
BLU	TE TEAM	tel 775.359.5800						
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**** OR THE INSTALLATION WHERE APPLICABLE *** LEARN MORE ABOUT LEAD FREE AT WWW.GOBLUETEAM.COM

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CITY OF ELKO UTILITY BILL P.O. Box 511534 • L.A., CA 90051-8089 EAST ELKO DOUBLE DICE RV	CITY OF ELKO UTI P.O. Box 511 LOS ANGELES, CA 9 (775) 777-7100 • (775) www.elkocity.c	534 90051-8089 9777-7135	RETURN SERVICE REQUESTED	Presorted First Class Mail US Postage Paid Permit 1010 Orem, Utah	
3730 IDAHO ST	BILL DATE DUE DA	TE	SERVICE ADDRESS		
	05/01/2015 05/18/2		3730 IDAHO ST		
DUE DATE ACCOUNT NO.	SERVICE	METER READINGS REVIOUS PRESEN	USAGE (thousands)	AMOUNT	
05/18/2015 3999060-001	Water	41239 41542	303	400.50	
PAY THIS AMOUNT \$1140.68 AMOUNT PAID	Sewer Stormwater Street Light Previous Balance			693.72 14.52 31. 94 0.00	
PLEASE RETURN THIS STUB WITH PAYMENT	ACCOUNT 39990		Y THIS \$1140	.68	
	Water restrictions Addresses end even number Sun, Wed, Odd numbers Tues, Thurs, []]][][^[]] [[]]] ^[]] ^[]] ^[]] ^[]] [[]	Ing in a EAS water 373 Fri. ELF water , Sat.	9	E DICE R	

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To: City of Elko 1751 College Ave. Elko, NV 89801

From: Double Dice RV Park Lori Vavak 3730 E. Idaho St. Elko, NV 89801 Cell: 775-397-0401

Subject: Water Break Costs High Pressure Fluctuations 2018

Below please find itemized costs for the damages to our property during the fluctuations of water pressure during the winter and summer of 2018 for submission to your insurance company. Although we had been complaining of this problem for over 2 years, and we had even had the City come out and help us make repairs to the property prior, no remedy to the problem was attempted until 7/25/18. We had to vacate the mobile home on the back of the property due to the damage caused by the fluctuation in the water pressure. This took 3 months to accomplish. This has been an ongoing problem we have been complaining about for years, but our concerns were ignored or dismissed until 7/25/18. Thank you for your submission of our costs and prompt reimbursement.

Charles Chester Plumbing & Heating – Back House Repair	\$ 116.81
Western Nevada Supply – Toilet Repair	\$ 445.96
Plumbline - Check under house – repair swamp cooler	\$ 432.66
Vega Construction Gravel	\$ 161.01
Evans Commercial Laundry 2 x washers	\$2,112.14
Bathroom Vanity (replace water break underneath)	963.90
Parts Repair space 80 & 32 (had on hand)	
2x 2 " long 3/4" brass nipple (\$7.99 ea)	
2x % " brass 90 fitting (\$4.79 ea)	
2x ³ / ₄ " brass stop and waste fittings (\$69.99 ea)	
$2 \times E' \frac{3}{2}$ columnized water nine (C21.00 co)	

2x 5' ¾" galvanized water pipe (\$21.99 ea)

2x ¾" brass faucets (\$ 7.49 ea)

2x 5'1" foam tubing (\$4.99 ea)

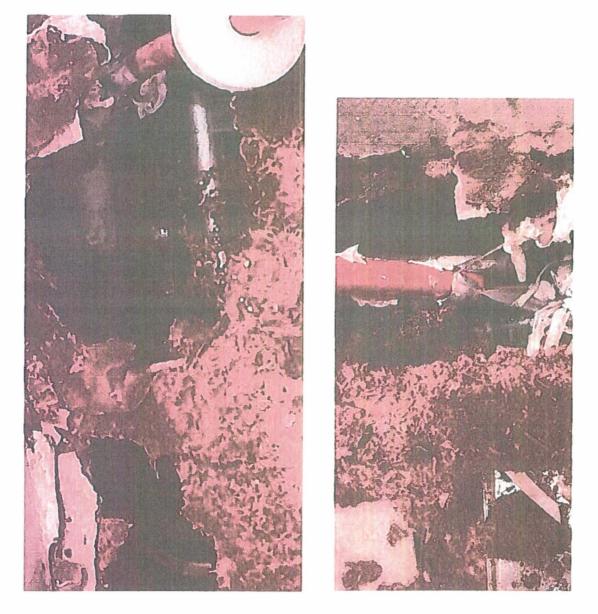
4 rolls electrical tape (\$3.99 ea) Total	\$ 242.46
Increase in City water bill lost water running	\$ 500.00
7/22/18 - Excavator & Tractor w/Driver 8 hours Space 80	\$1,600.00
7/23/18 – Excavator & Tractor w/Driver 8 hours Space 32	\$1,600.00
7/22/18 – Laborers x2 dig up spaces 8 hours	\$ 320.00
7/23/18 – Laborers x2 dig up space 8 hours	\$ 320.00
Loss of Business RV Park – 8 sites refunded x \$45	\$ 360.00
Loss of Business Bar – Week prior vs week down	\$ 654.65

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Total Loss Claim

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\$9,82<mark>9.59</mark>

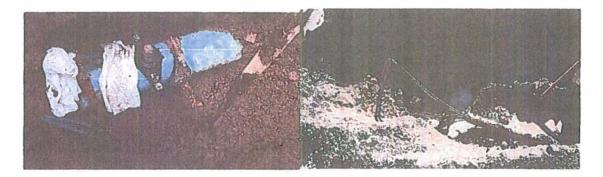


Water line break under mobile home bathroom vanity (see billing). Saturated flooring, underneath insulation, had to replace all flooring, vanity, insulation in bathroom.





Final hand digging up of spaces in RV park that broke due to excessive water pressure and blew lines. This is after 4 feet of digging with excavator.



Saturated water around spaces and saddle replacement of blown water lines in spaces. Had to move tenants. Severing of other utility lines during excavation requiring patching of cable and phone lines.



Replacement of several water lines that did not require full replacement of saddle but just replacement of line at junction. Second dig up of utility lines duiring replacement of water line.

Exhibits:

- 1. Invoice from Charles Chester Plumbing and Heating or repair of damage to back mobile home water line underneath cabinet in bathroom. See explanation that damage was due to high pressure from main line. This is the first home that the City's water line attaches to when it reaches our property. The fluctuations were up to 135 psi over a long period of time, for months during the time this issue was going on. We had continually checked the pressure and complained to the City and were told the issue was being addressed, however over months an months we continued to have fluctuations and damage to our property.
- 2. Invoice from Western Nevada Supply for toilet repair. The high pressure blew out the pressure tank causing us to have to replace the unit.
- 3. Invoice from Plumbline Mechanical for damage to the waterlines for our swamp coolers and blown out float and pads and check for condensation and leaking under the house, which was apparent but could not be readily located without removing the skirting, underbelly insulation, and then cabinet and flooring.
- 4. Check for gravel to Vega Construction to replace gravel that we dug up when digging up spaces to replace water lines.
- 5. Invoice from Evans Commercial Laundry for two top load washers. These washer water valves were blown causing a flood in our laundromat. The machines could not be repaired and had to be replaced (see explanation on invoice)
- 6. Invoice from Knight's Cabinets for bathroom vanity which had to be removed and replaced due to water damage and to get to the water line and saturated flooring underneath the mobile home that was caused by the water leak due to the high pressure.

- 7. No invoices as these are parts we had on hand for repairs to water lines we keep on the property for emergencies. These are for repairs to spaces 80 and 32 that we had to dig up and replace that were completely blown apart at the connection below the ground.
- 8. This is a claim for the increase in the water billing compared to the previous month as an estimate. We had water continually running due to leaks, water breaks, sprinkler head blow outs, water hose blow outs on RV tenants, etc., all resulting in water running for massive amounts of time in massive amounts.
- 9. Time for excavator and driver for 8 hours for 2 days to dig up 2 spaces, space 80 and space 32.
- 10. Two laborers for two days to help dig up sites, fix sprinklers and water lines around the park.
- 11. Loss of business for RV Park 8 sites refunded \$45 and Loss of bar business and kitchen being down – one week vs. another for \$654.65, no water so could not do business.
- 12. Letter from City of Elko Ryan Limberg of 7/25 18 saying the psi is at 110 and the standard is 65. RV park is shut off.

Exhibit

CHARLES CHESTER PLUMBING & HEATING, INC. NV Contractors Lic 7377CDE Unlimited 2950 Mountain City Highway PO Box 278 Elko NV 89803 775-738-6125 Page: 1

INVOICE # W029312 Date 10/29/2018

Work Order 029312 Work Start Date 10/29/2018 3730 E IDAHO STREET ELKO NV 89801

Double Dice RV Park 3730 East Idaho ELKO NV 89801

Description of Work	 	Quantity Unit Price			Extended	
REPAIRED TWO 1/2" LINES IN BATHROOM. ALL TESTED OK. NET 10 DAYS	TURNED	ON	WAT	ER, NO	LEAKS FOUND	&
10/29/18-RICHARD BAYLES			1	Hour	110.000	110.00
XF3020-1/2PEX X 1/2PEX 90			2	EA	2.380	4.76
XF3000-1/2 COPPER CRIMP RING			4	EA	0.400	1.60
	То	tal	5:			
			La	abor		110.00
			Ma	ateria	1	6.36
			Si	ales T	ax	0.45
			Te	otal I	nvoice \$	116.81

P.0.#

01001

2950 Mountain C	ter Plumbing & Heating ity Highway Elko, NV 89801 278 Elko, NV 89803 - Phone: 775-738-6125	Serving Northeast Ner Neighborhoods For Over NV Lic#7377 5 - Fax: 775-738-	CDE	CONTRACT NO.18879
ADDRESS 3730 E	CR KI BIK I JAHO SH STATE ZIP 89801 VORK PHONE GTY HOME PHONE	STATE WORK PHON	ZIP E	DATE DATE DATE DATE DATE DATE DATE DATE
DIAGNOSIS/BOLUTION:	E to bigh water pressu Excessive damage int 1 - tived leaks caused to high - was fail + bacs by pipes pursting plumbing was Exposed	le one print who print who begeuse a Model # Sortis #	Pressure	ACCOUNT#
QUAN PART #	DESCRIPTION Bill will be made out I sent to Deard	Make EACH PRICE	EXTENDED PRICE	
				738-6125

WESTERN NEVADA SUPPLY 1225 WATER STREET ELKO, NV 89801 08/2018 08/2018 CREDIT CARD VISA SALE D # XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	PAC Corporate 950 S. Rock Blvd. • Sparks, NV tel 775.359.5800 • fax 775.359. ####################################				mucca 55.5600 OF: 1
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2 PGZ1250810	AMST 4142 016 WHT TANK . TRANSFER# FROM BRANCH# 1		EA 1	1	
3 PCZ1090212	JUMBO BOWL WAX W/ . TRANSFER# 11071 BRANCH# 1		EA 1	1	
CHECKED BY: FRCH CONTACT: MARVIN CHURCE BOXES: BUNDLES:	the second s		R # 27664820 ROLLS:		THER:

ALL HVAC EQUIPMENT AND AIR CONDITIONING MUST BE INSTALLED BY A LICENSED HVAC AND EPA PROFESSIONAL

(Exhibit 3



PO Box 2666 Elko, NV 89803

Phone: 775.753.7586 Fax: 775.753.7587

BILL TO

Double Dice RV 3730 E Idaho St Elko NV 89801

	INVOICE	
DATE	NVOICE #2	COST
7/30/2018	0000060031	0000548

SHIP TO

Double Dice RV

P O NUMBER		DUE ON RECEIPT	SALES PER	SON
QUAN			PRICEIEACH	MOUNT
2.50 1.00 1.00	Checked dripping.		95.00 55.00 130.87	237.50 55.00 130.87
	SUBTOT/ TAX TOTAL			\$423.37 \$9.29 \$432.66
Thank you for your bus		b Line is here for all of your Plumbing & HVAC ne ada Contractors License: 60245, 57651, 75361	eds - 24 hrs / 7 days a	weeki

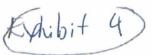
We accept Visa, Mastercard, American Express and Discover

Y ITEM OR PART DESCRIPTION	UIIIT	AMOUNT			• Fax: (775) 753-7		JOB
			(73)7	449 West Comn Elko, NV	nercial Street	367	6071-71
Hanne Deguite				www.plumblii	neinc.com		DATE DATE ORDERED
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			STREET 3730	F TOD	40 54		PHONE
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12/11/2018

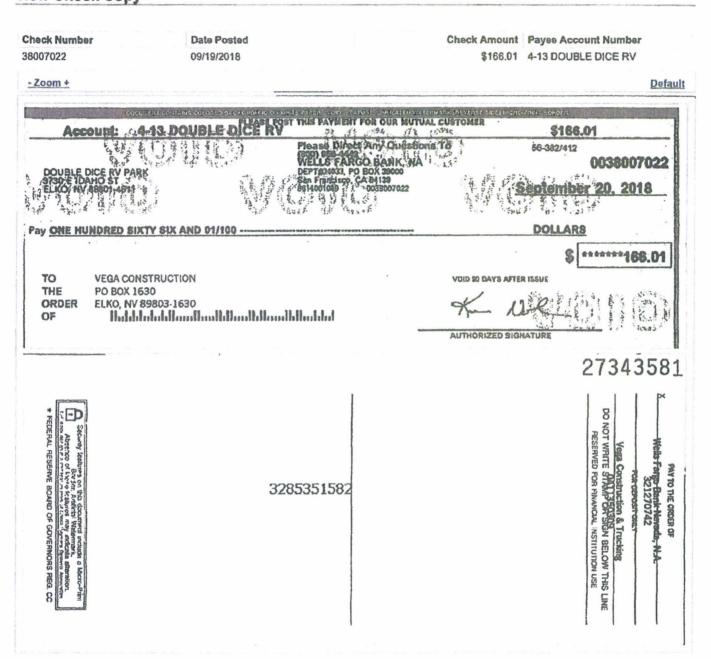
WOLLS

Payments



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Proof of Payment

(Exhibit 5)

121218

09/07/48

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OFFICE (801) 972-8580 TOLL FREE 1-800-433-6859 FAX (801) 972-8328

3463 WEST 1987 BOUTH . BALT LAKE CITY, UT 64104

WWW.EVANSLAUNDRY.COM

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INVOICE NUMBER

SHIP TO

Double Dice Rv 3730 East kleho Street Elko, Nevada 89801

Dean-775-738-5842 / 775-034-5248

SALESPERSON	Aaron Burningham
1974-bi ta - a - a ta ayar ayar 1974-bi	NA BE AND THE REAL POST OF STREET, IN & MADE AND

Double Dice Rv	
3730 East Idaho Street	
Elko, Nevada 69801	
Dean-775-738-5842 / 775-934-524	8

TO

OUR ORDER NO.	IR ORDER NO. DATE SHIPPED		DER NO. DATE SKIPPED SKIPPED VIA P.O.B. PORT		SHIPPED VIA P.O.B. POINT	TERMS		
OTY ORDERED	E/O	QTY SHIPPED	DESCRIPTION	UNIT PRICE	TOTAL			
2		2	Hose Inlet Mixing Valves- Part Number-202395P	\$33.91	\$67.8			
2	L	2	Lid Switch Assemblies- Part Number-37631	\$13.34	\$28.68			
2		2	Transformer Kit- Part Number-203423	\$95.10	\$190.20			
2		2	Cycle Selector Switch- Part Number-201686	\$14,37	\$28.74			
2	ļ	2	Motor Assembly -Part Number-38034P	\$268.26	\$536.52			
2		2	Bell and Pump Kit- Part Number-RB150003	\$39.34	\$78.68			
2		2	Capacitor- Part Number-37377	\$13.52	\$27.04			
2		2	Control Assembly/ Timer- Part Number-202792	\$203.64	\$407.28			
3		з	Labor to Repair Machines 2 hours per machine @ \$80.00 per hour	\$240.00	\$600.00			

Customer brought in 2 Top Load Washers that the water valves had blown out due to high volume water pressure.

We tried to repair the machines but everytime the unit was plugged in it kept blowing the breaker, evenentually what was found was the transformer had shorted out. Upon checking the machine out and the cost of the repair to fix both machines it was best determined and we advised that replacing the machine was to be a better option.

	Traval Milaago		
	Factory Freight		
\$1,962.98	Bubtotal		
\$149.18	Salos Tas		
\$2,112.14	Subtotal	7.60%	Tex Rate
	Install / Dolivery	50.00%	Deposit Percent
	Outgoing Freight	\$1,058.07	Deposit
\$2 112 14	TOTAL		

Accounts due and payable 30 days following date of purchase. Notice: A Finance charge of 1.5% per month, which is an annual percentage rate of 18%, will be charged on past due accounts. If collection becomes necessary by suit or otherwise, purchaser agrees to pay all costs of collection including a reasonable attorney's fee. Evans retains title until full payment is made.

KNIGHT'S CABINETS

710 RIVER STREET ELKO, NV 89801

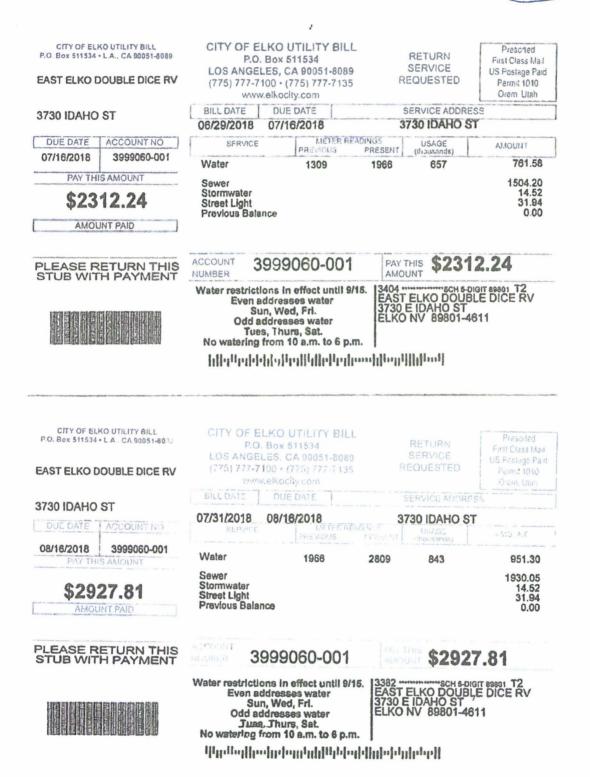
Estimate

Date	Ectmate #
12/21/2018	570

Na	me / Addr	988			
Doub	e Dice RV		******	 	

		Project	<u></u>
Description	Qty	Rate	Total
48° bathroom Vanity		900.00	900.007
· · · · · · · · · · · · · · · · · · ·			
		,	
		Subtotal	\$900.00
		Sales Tax (7.1%)	\$63.90
		Total	\$963.90





						,	
, »			-				Fighibit 11)
12/11/2018					Bar & Grill	-	
11:37 am		From			21/18 05:59:58an		
Description	Units	Gross	Disc/Cpn	VAT Tax	Net	% Total	Prio' week
BEER	603	\$1,858.50	\$48.50	\$114.96	\$1,697.04	39.50	$\chi \cdot 0^{\circ}$
BEER	603	\$1,858.50	\$46.50	\$114.98	\$1,697.04	39,50	•
BEVERAGE	36	\$71.60	\$2.00	\$4.52	\$85.08	1.51	N
BEVERAGE	36	\$71.60	\$2.00	\$4.52	\$85.08	1.51	K
FOOD		64 200 00					(only
FOOD	125 125	\$1,506.80 \$1,506.60	\$0.00 \$0.00	\$96.58 \$96.56	\$1,410.24 \$1,410.24	32.8 2 32.82	NOP OC
							\mathbf{V}
BERG	0	\$0.00	\$0.00	\$0.00	\$0.00	00.0	ری ^ب
CORDIALS SIN	2	\$9.00	\$0.00	\$0.58	\$8.42	0.20	ເດັ
MXED DRINKS	19	\$95.00	\$0.0 0	\$6.08	\$88.92	2.07	
	17	\$108.00	\$0. 00 \$0.00	\$0.00	\$108.00	2.51	
COTCH	1 3	\$5.00 \$18.00	\$0.00 \$0.00	\$0.32 \$1.15	\$4.68 \$16.85	0.11 0.39	
TEQUILA	53	\$144.50	\$0.00 \$0.00	\$9.30	\$135.20	3.15	
/ODKA	57	\$102.50	\$0.00	\$6.53	\$95.97	2.23	
NHISKEY	175	\$580.00	\$5.00	\$36.85	\$538.15	12.53	
LIQUOR	327	\$1,082.00	\$5.00	\$60.81	\$998.19	23,19	
GARETTES	12	\$108.00	\$0.00	\$6.93	\$101.07	2.35	
FOOD MODS	173	\$28.00	\$0.00	\$1.72	\$28.28	0.61	
MODIFIERS	185	\$138.00	\$0,00	\$8.65	\$127.35	2.96	
RETAIL	205	-\$62.50	\$0.00	-\$4.00	-\$58,50	-1.36	
RETAIL	205	-\$62.50	\$0.00	-\$4.00	-\$58.50	-1.36	
VINE	25	\$67.50	\$4.50	\$4.05	\$58.95	1.37	
WINE	25	\$67.50	\$4.50	\$4.05	\$58.95	1.37	
Total Sales	1508	\$4,639.90	\$58.00	\$285.55	\$4,296.35	100.00	
Tax Total		• ••••••			\$285.55		
Customer Payments	0				\$0.00		
Due Rounding					\$0.00		
Gift Cert Total	0				\$0.00		
Gratuity					\$0.00		
House Tips					\$0.00		
ROA Tatel					\$0.00		
To Go Surcharges					\$0.00		
Zone Charges					\$0.00		
-Paid Outs					-\$1,949.99		
-Emp Tipouts -Bank GC Cashouts	0				\$0.00 \$0.00		
Total Accountable					\$2,631.91		

Media	Count	Sale Amt	Hs Tips	Emp Tips	Emp Grats	Total Sales
Cash	191	\$493.91	\$0.00	\$0.00	\$0.00	\$493.91
EMV	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Visa	85	\$1,941.75	\$0.00	\$560.50	\$0.00	\$2,502.25
Mastercard	6	\$105.25	\$0.00	\$16.50	\$0.00	\$121.75
Gift Card	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Discover	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
House Charge	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Express	3	\$53.50	\$0.00	\$12.50	\$0.00	\$66.00
Gift Certificate	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Diners Ciub	0	\$0.00	\$0.00	S0.00	\$0.00	\$0.00
Gin Certificate	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Visa	1	\$37.50	\$0.00	\$0.00	\$0.00	\$37.50
Ameican Express	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mastercard	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Double Dice Bar & Grill Sales by Range Report

From 07/23/18 06:00:00am to 07/28/18 05:59:59am, All Terminals

*				-		
	Units	Gross	Disc/Cpn	VAT Tax	Net	% Total
	513	\$1,525.75	\$24.25	\$95.72	\$1,405.78	38.09
	513	\$1,525.75	\$24.25	\$95.72	\$1.405.78	38,09
Ę	44	\$88.00	\$0.00	\$5.69	\$82.31	2.23
AGE	- 44	\$88.00	\$0.00	\$5.69	\$82.31	2 <i>.2</i> 3
	93	\$1,070.50	\$0.00	\$68.57	\$1,001.93	27.15
סנ	93	\$1,070.50	\$0.00	\$68.57	\$1,001.93	27.15
.RG	0	\$0.00	\$0.00	\$0.00	\$0.00	0.00
ORDIALS	7	\$13.00	S0.00	\$0.8 5	\$12,15	0.33
GIN	1	\$5.00	\$0.00	\$0.32	\$4.68	0.13
MIXED DRINKS	20	\$118.00	\$0.00	\$0.00	\$118.00	3.20
RUM	18	\$57.00	\$5.00	\$3.32	S48.68	1.32
SCOTCH	2	\$6.00	\$0.00	\$0.38	\$5.62	0.15
TEQUILA	15	\$97.50	\$0.00	\$6.26	\$91.24	2.47
VODKA	151	\$240.00	\$8.00	\$14.98	\$219.02	5.93
WHISKEY	200	\$636.50	\$15.00	\$39.80	\$581.70	15.76
LIQUOR	414	\$1,173.00	\$26.00	\$65.91	\$1,081.09	29.29
CIGARETTES	17	\$153.00	\$0.00	\$9.86	\$143.14	3.88
FOOD MODS	116	\$20.00	\$0.0 0	\$1.25	\$18.75	0.51
MODIFIERS	133	\$173.00	\$0.00	\$11.11	\$161,89	4.39
RETAIL	225	-\$54.00	\$0.00	-\$3.37	-\$50.63	-1.37
RETAIL	225	-\$54.00	\$0.00	-\$3.37	-\$50.63	-1.37
WINE	2	\$9.00	\$0.00	\$0.58	\$8.42	0.23
WINE	2	\$9.00	\$0.00	\$0.58	\$8.42	0.23
Total Sales	1424	\$3,985.25	\$50.25	\$244.21	\$3,690.79	100.00
Tax Total					\$244.21	
Customer Payments	0				\$0.00	
Due Rounding	•				\$0.00	
Gift Cert Total	0				\$0.00	
Gratuity					\$0.00	
House Tips					\$0.00	
ROA Total					\$0.00	
To Go Surcharges					\$0.00	
Zone Charges					\$0.00	
-Paid Outs					-\$9,171.99	
-Emp Tipouts	_				\$0.00	
-Bank GC Cashouts	0				\$0.00	

Week a BALDL (9ml

65 1055 Devourable

Total Accountable

Media	Count	Sale Amt	Hs Tips	Emp Tips	Emp Grats	Total Sales
Cash	181	-\$7,358.99	\$0.00	\$0.00	\$0.00	-\$7,358.99
EMV	0	\$0.0 0	\$0.00	\$0.00	\$0.00	\$0.00
Visa	80	\$1,931.75	\$0.00	\$445.50	\$0.00	\$2,377.25
Mestercard	6	\$126.25	\$0.00	\$49.00	\$0.00	\$175.25
Gift Card	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Discover	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
House Charge	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Express	1	\$64.00	\$0.00	\$15.00	\$0.00	\$79.00
Gift Certificate	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Diners Club	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Gift Certificate	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Visa	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Ameican Express	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Mastercard	0	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00

-\$5,236.99

Fichibit

900 626 4653 7/25/18-9am We chicked PSI at Double Dice RV Park. Found it to be 110, well above standard psi here of around 65. Shut off 1 PRV as a result & reducing presence at other PRV. Maintenance of Both PRV'S today by Cla Valve. will also investigate proper value operation by meter pit. Ryan Limberg Dean & Varak



CITY OF ELKO

Office of the City Clerk

Website: www.elkocity.com Email: cityclerk@elkocitynv.com

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7126 · Fax (775) 777-7129

January 3, 2018

Double Dice RV Park Ms. Lori Vavak 3730 E. Idaho St. Elko, NV 89801

Dear Ms. Vavak,

I am writing to let you know I have received your claim of damages due to a water pressure problem. I have submitted the claim to the City insurance company. I will keep you apprised of the progress as they review the claim.

If you have any further questions please feel free to contact me at <u>cityclerk@elkocitynv.gov</u> or call at 775-777-7126.

Thank You

Kelly Woldridge Elko City Clerk

Received this t 1 email from City -Referred to Dant Unarte who told us it was declined but NO afficial word from the City as of NOW.

From: rvtours <rvtours@eoi.com>

To: Cynthia.McGraw <Cynthia.McGraw@asorisk.com> Subject: Re: P2431805908 01 Double Dice RV Park Date: Mon, Jan 7, 2019 10:27 am

Our response

If you look at the documentation you can see that the City of Elko has admitted liability, and the repairs have been documented as being due to the high pressure on the bills we submitted if you look at the explanations on the bills. There are no sprinkler repairs on the bills. The repairs for fittings on the bills are for the water lines blown (see the photos). City of Elko workers were out here when we were digging up these sites and making these repairs. We also submitted photos. The City of Elko is not disputing any of these damages to our knowledge. In fact, they have spent thousands of dollars installing a new water regulation system leading to our property in order to rectify this situation that has affected our business and all businesses in the area. The water was shut off to many properties by the City of Elko during this period for installation of this new system. The problems have been many and have been ongoing throughout the last two years and many of our lines have broken. This has been an orgoing issue we have been working with the City of Elko to solve. Most of the problems addressed in this claim occurred in the weeks or days just prior to the repairs the City began to the water meter on 7/25/18. It is very hard to pinpoint exactly when many of these issues, like those on the mobile home occurred, because it took some time for them to become apparent. These issues happened prior to the 7/25/18 date when the City of Elko wrote the letter we enclosed, admitting liability and stating that they shut off the water for repairs. For instance, our tollet and washing machines were down because we have other facilities and had to order special parts for repairs. The washing machines had to be taken to Salt Lake City, 4 hours away, transported by us at or expense, to be diagnosed for repair/replacement, We have 10 washers so having 2 out for that period of time was inconvenient but did not put us out of business. However, we have not claimed loss of business for those machines while down.

There is no "theory". Everything is evidenced by the fact that the City of Elko had to replace the entire water regulation valve, and that all the repairs that were made were documented as caused by the fluctuations in their water pressure. City of Elko employees were present when these breaks took place and the repairs were done. The entire City Council, City of Elko Water Department, and we are assuming everyone at the City of Elko was aware of the problem, because it was a major repair, and they had to hire a company from Salt Lake City to install an entirely new water pressure reduction valve system. Like I explained to you on the phone, we are still experiencing water pressure fluctuations and the City has been out here as recently as this last week. Therefore, we would urge you to contact the City of Elko, specifically Utilities Director Ryan Limberg, 775-777-7212 rlimberg@elkocitynv.gov, or Dean Cemick, 775-777-7375, dcemick@elkocitynv.gov. We are sure they would be more than happy to explain our ongoing difficulties and the massive problems associated with the City of Elko's failure to make the required repairs to alleviate these damages not only to our business, but to other businesses as well. When all of this happened the City of Elko assured us our damages would be taken care of and that we just needed to submit them. They were not contesting liability. Lori Vavak, Double Dice RV Park.

----Original Message----From: Cynthia McGraw Cynthia McGraw@ascrisk.com> To: rytoura@aol.com Sent: Fri, Jan 4, 2019 2:06 pm Subject: P2431805908 01 Double Dise RV Park

Dean and Lori,

ixter

Lori it was a pleasure speaking with you on the telephone earlier today. I will be the adjuster investigating this claim. I will need documentation to support your claim.

Please provide our office with dates and times of the leaks and failures that occurred due to water pressure fluctuation. I understand there were leaks in

sprinkler systems, the laundry room, swamp cooler lines, etc.

Please provide our office with your theory and evidence that all of these various issues were due to pressure fluctuations. Once we have received the requested documentation we will review the documents/reports and contact you.

Thank you for your assistance in this matter. Should you have questions please feel free to contact me.

Sincerely,

Kelly C. Wooldridge

From:	Cynthia McGraw <cynthia.mcgraw@ascrisk.com></cynthia.mcgraw@ascrisk.com>
Sent:	Monday, March 04, 2019 1:27 PM
To:	Kelly C. Wooldridge
Cc:	Dain Uriarte
Subject:	P2431805908 01 Double Dice RV
Attachments:	P2431805908 01 Double Dice RV Denial water fluctuation.pdf

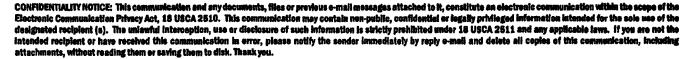
Kelly and Dain,

I mailed the denial letter to Mr. and Mrs. Vavak. Should they attempt to contact you please refer them to me. Please see attached a copy of the denial letter.

Thank you,

Alternative Service Concepts Loyalty + Integrity + Flexibility + Expertise

Cynthia McGraw – Senior Claims Adjuster 639 Isbell Road, #390, Reno, NV 89509 Office Phone: (702) 478-6952 Office fax: (725) 201-6625 cynthia.mcgraw@ascrisk.com www.ascrisk.com/



2014 | 2015 | 2016 | 2017

Kelly C. Wooldridge

From:	Dain Uriarte <dain.uriarte@lpins.net></dain.uriarte@lpins.net>
Sent:	Thursday, March 07, 2019 1:33 PM
To:	Cynthia McGraw
Cc:	Kelly C. Wooldridge
Subject:	FW: P2431805908 01 Double Dice RV
Attachments:	P2431805908 01 Double Dice RV Denial water fluctuation.pdf

Good afternoon, Cynthia -

I wanted to let you know that Mr. Vavak called me this morning at 11:20 am, asking for an update. I told him that ASC had mailed a determination letter, and that if he has not received yet, it should be arriving any day.

I am not sure what the procedures are, however, if you need his e-mail to send anything, it is rytours@aol.com

Thank you!

Dain

From: Cynthia McGraw <Cynthia.McGraw@ascrisk.com> Sent: Monday, March 4, 2019 1:27 PM To: Kelly C. Wooldridge <kwooldridge@elkocitynv.gov> Cc: Dain Uriarte <dain.uriarte@lpins.net> Subject: P2431805908 01 Double Dice RV

Kelly and Dain,

I mailed the denial letter to Mr. and Mrs. Vavak. Should they attempt to contact you please refer them to me. Please see attached a copy of the denial letter.

Thank you,



Cynthia McGraw – Senior Claims Adjuster 639 Isbell Road, #390, Reno, NV 89509 Office Phone: (702) 478-6952 Office fax: (725) 201-6625 cynthia.mcgraw@ascrisk.com www.ascrisk.com/

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March 4, 2019

Double Dice RV Park Dean and Lori Vavak 585 E 4th Street Sun Valley, NV 89433

RE: Claim #: P243-18-05908-01 Our Insured: City of Elko Loss Date: July 25, 2018

Dear Mr. & Mrs. Vavak:

As you are aware Alternative Service Concepts is the third-party administrator of claims for the Nevada Public Agency Insurance Pool (NPAIP) of which City of Elko is a member.

Based on our investigation of the facts we have determined that the City of Elko is not negligent and is therefore not liable for any damages resulting from the fluctuation of water pressure. This letter is meant as formal notification of denial of your claim against the City of Elko. We find that the proximate cause of the loss was not foreseeable in that the City did not have prior notice of problems with water fluctuation with other adjoining properties.

Since this incident happened and will continue to occur until you install the proper equipment on your property, we suggest you consider some prevention measures. The neighboring properties have not been affected by the fluctuation of pressure, because they have installed the proper equipment on their properties. We are also aware The City of Elko has made efforts to maintain their equipment.

Please note that pursuant to the <u>Nevada Revised Statutes</u>, you have <u>3 years</u> from the date of loss to protect the Statute of Limitations on property damage claims. If you have any further questions or concerns, please contact our office. We sincerely apologize for any inconvenience to you as a result of this incident.

Cvithia McGraw

Senior Claims Administrator Alternative Service Concepts, LLC

Cc: Shanell Owen, City of Elko

639 Isbell Road, #390, Reno, NV 89509 Phone: (702) 478-6952 Facsimile: (725) 201-6625 E-mail: cynthia.mcgraw@ascrisk.com

	City of Elk		•		
	Grisworl Industries CLA-VAL	Cialm Forn	n	VENDOR #:	
VENDOR NAME:	Griswon industries CLA-VAL			VENDON #:	
Department	Account Number		Involas #	Project #	Ampunt Due
Water Department:	501-70-30.		-		
ACCOUNT DESCIPTION	-				
Technical Street Testing		434-09			
Technical GIS Expense		434-12			
Technical Lab Services	1 200	434-15			
Technical Dispatch Services	COPY	434-19			
Technical Lobbying Services		434-22			
Technical Other Consulting Se	arvi ces	434-23			
Cellular Phone Service		440-05			**************************************
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Griswold industries 1701 Placentia Avenue Costa Mesa, CA 92627-4416 Phone: 949-722-4800 Email: ardept@cla-val.com

INVOICE

Invoice Number: 752922 Page: 3 of 3 Date: 8/24/2018 Salesperson: S92N Regular Invoice

B L L T O	5753 ACCOUNTS PAYABLE CITY OF ELKO 1751 COLLEGE AVENUE ELKO NY 89801 US		I P T	I CITY OF ELKO WATER AND SEWER DEPARTMENT 1751 COLLEGE AVENUE ELKO NV 89801 US
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Phone: 775-777-7100

Order	Purchase Ord	er	Freight Terms	Ca	rrier	Class of Service	Terms
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SERVICE PERFORMED BY: ALEX MARTELL ON 07/25/2018

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SERVICE AUTHORIZED BY: DALE

2% PER MONTH SERVICE CHARGE IF NOT PAID IN ACCORDANCE WITH TERMS

Please refer to involve number or return involve copy when remitting. See our wohshie at https://www.cla-val.com/cla-val-commercial-documents-1-80.html for discipliner of warrantles, limitation of limbility, terms and conditions and Form W-9.

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Sales Amount	7.046.28
Freight	0.00
Sales Tax	0.00
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Total	7,046.28

Customer: 5753/1 Page: 3 of 3 v8 6/20/2018



Griswold Industries

1701 Placentia Avenue Costa Mesa, CA 92627-4416 Phone: 949-722-4800 Email: ardept@cla-val.com

INVOICE

Invoice Number: 752922 Page: 1 of 3 Date: 8/24/2018 Salesperson: S92N

Regular Invoice

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Griswold Industries 1701 Placentia Avenue Costa Mesa, CA 92627-4416 Phone: 949-722-4800 Email: ardept@cla-val.com

INVOICE

Invoice Number: 752922 Page: 2 of 3 Date: 8/24/2018 Salesperson: S92N **Regular** Invoice

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CITY OF ELKO 1761 COLLEGE AVENUE ELKO, NEVADA 89801 (776) 777-7144

6716

PURCHASE ORDER

VENDOR		SHIP TO:	CITY OF ELKO
NAME	GrisWold Industries CLA	-UR DEPARTMENT	Water Dept
ADDRESS	1701 Placentia Avenu.	ADDRESS	
CITY	Costa Mesa ST CH ZIP 926	27-441kerry	8TZIP
PHONE	949-722-4800	PHONE	

Our order number must appear on all packages, involces, and correspondence

QUANTITY	DESCRIPTION	PRICE	AMOUNT
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	3 - CLAMA'S Repaired on Manzanita		
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ALL CITY DEPARTMENTS MUST FOLLOW THE CITY'S APPROVED PURCHASING POLICY



Ello City Water Department

Mountain West Valve, Inc 550 West 8615 South Set: Leke City, U7 8(515 601.302.5807 Fz www.mtuvelve.com

Invoice

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801.253.8878 801.302.3907 Fax www.mtwvalve.com

F-373-2

Onsite Service Report

Date: 6-18	-15 Custome	ar. City of Elles Water department	- Location:	Elles
WO #:	PO			James Brunckharst

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Elko City Water Department

Mountain West Valve, inc 560 West 3615 South Selt Lake City, UT 84115 801.253.8878 801.302.9907 Fz WWW.mitwalve.com

Invoice

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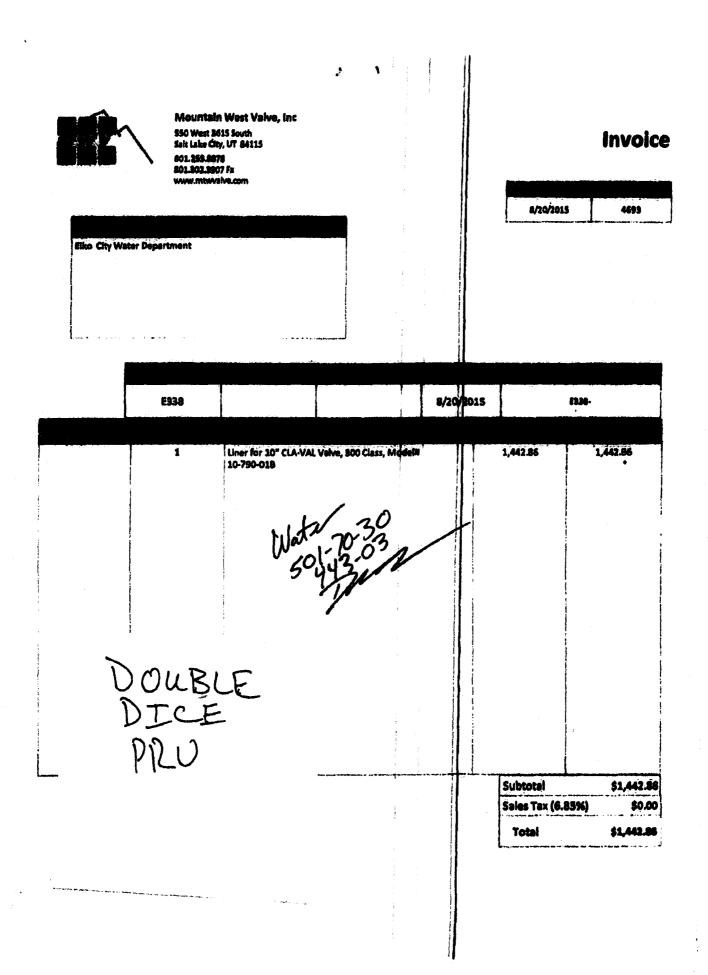
801.253.8878 801.302.3807 Fax re. Inc. www.mtwvalve.com

Onsite Service Report

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## Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: UNFINISHED BUSINESS
- 4. Time Required: 15 Minutes
- 5. Background Information: Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. MR
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Maps, P.C. action report, Staff reports and related correspondence.
- 9. Recommended Motion: Conditionally approve Final Plat No. 11-18 for the Great Basin Estates, Phase 3 subdivision subject to the conditions as recommended by the Planning Commission OR table item if Cease and Desist Order issued by NDEP is still in effect.
- 10. Prepared By: Michele Rambo, AICP, Development Manager
- 11. Committee/Other Agency Review: Planning Commission
- 12. Council Action:
- 13. Agenda Distribution: Parrado Partners, LP

Robert Capps-<u>robertcapps@cappshomes.com</u> 12257 Business Park Drive #1 Truckee, CA 96161

Created on 5/20/2019



CITY OF ELKO Planning Department

Website: www.elkocity.com Email: planning@elkocitynv.gov

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

### CITY OF ELKO PLANNING COMMISSION ACTION REPORT Special Meeting of September 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on September 6, 2018 pursuant to City Code Sections 3-3-6 (B)1 and (C) 2:

Final Plat No. 11-18, filed by Parrado Partners, LP, for the development of a subdivision entitled Great Basin Estates Phase 3 involving the proposed division of approximately 9.65 acres divided into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto.

The subject property is located generally at the extension of Village Parkway and Opal Drive. (001-633-030).

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to conditionally approve Final Plat No. 11-18 subject to the conditions in the City of Elko Staff Report dated August 23, 2018 listed as follows:

- 1. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.
- 2. The Performance Agreement shall be approved by the City Council.
- 3. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
- 4. The Final Plat is approved for 38 single family residential lots.
- 5. The Utility Department will issue a Will Serve Letter for the subdivision.
- 6. State approval of the subdivision is required.
- 7. Conformance with Preliminary Plat conditions is required.
- 8. Civil improvements are to comply with Chapter 3-3 of City code.
- 9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest

edition Standard Specifications for Public Works. All Right –of-Way and utility improvements are to be certified by the Engineer of Record for the project.

- 10. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.
- 11. Modify Planning Commission approval jurat to the 3rd day of May, 2016 prior to City Council approval.

The Planning Commission's findings to support its recommendation are the Final Plat for Great Basin Estates Phase 3 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Plat is in conformance with the Preliminary Plat. The proposed subdivision is in conformance with the Land Use Component of the Master Plat. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms with Sections 3-3-20 through 3-3-27 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of City Code. The Subdivider has submitted civil improvement plans in conformance with Section 3-3-41 of City Code. The plans have been approved by City Staff. The Subdivider has submitted plans to the City and State agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of City Code. The Subdivider has submitted civil improvement plans which are in conformance with Section 3-3-43 of City Code. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of City Code. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of City Code. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of City Code. The proposed development is in conformance with Section 3-8 of City Code. The subdivision is in conformance with 3-8 Floodplain Management.

Attest:

Shelby Archuleta, Planning Technician

CC: Applicant Kelly Wooldridge, City Clerk

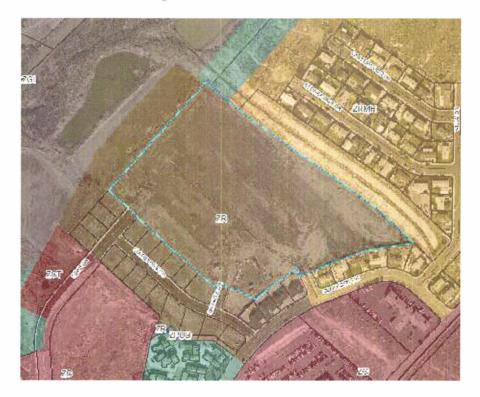


City of Elko 1751 College Avenue Elko, NV 89801 (775) 777-7160 FAX (775) 777-7119

# **CITY OF ELKO STAFF REPORT**

DATE: PLANNING COMMISSION DATE: AGENDA ITEM NUMBER: APPLICATION NUMBER: APPLICANT: PROJECT DESCRIPTION: August 23, 2018 September 6, 2018 I.B.2 Final Plat 11-18 Parrado Partners, LP Great Basin Estates, Phase 3

A Final Map for the division of approximately 9.650 acres into 38 lots for single family residential development within an R (Single Family and Multiple Family Residential) Zoning District and one remaining lot.



#### **STAFF RECOMMENDATION:**

RECOMMEND to APPROVE this item subject to findings of fact and conditions.

FINAL PLAT 11-18 Great Basin Estates Phase 3 APN: 001-633-030

## **PROJECT INFORMATION**

PARCEL NUMBERS:	001-633-030
PARCEL SIZE:	9.650 acres Phase 3, final phase of the subdivision
EXISTING ZONING:	(R) Single Family and Multiple Family Residential
MASTER PLAN DESIGNATION:	(RES-MD) Residential Medium Density
EXISTING LAND USE:	Vacant

#### **NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:

- Northwest: River corridor / Undeveloped
- Northeast: RMH- Residential Mobile Home / Developed •
- Southwest: Single Family Residential (R) / Developed
- Southeast: Single Family Residential (R) and (RMH) / Developed

#### **PROPERTY CHARACTERISTICS:**

- The property is an undeveloped residential parcel.
- The area abuts the second phase the Great Basin Estates Subdivision.
  - The parcel is generally flat.

#### **MASTER PLAN, COORDINATING PLANS, and CITY CODE SECTIONS:**

Applicable Master Plan Sections, Coordinating Plans, and City Code Sections are:

- City of Elko Master Plan Land Use Component
- City of Elko Master Plan Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning Chapter 3 Subdivisions
- City of Elko Zoning Section 3-2-3 General Provisions
- City of Elko Zoning Section 3-2-4 Zoning Districts
- City of Elko Zoning Section 3-2-5(E) Single-Family Residential District City of Elko Zoning Section 3-2-5(G) Residential Zoning Districts Area, Setback And Height Schedule For Principal Buildings
- City of Elko Zoning Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning Section 3-8 Flood Plain Management

#### **BACKGROUND INFORMATION**

- 1. The Final Plat for Great Basin Estates Phase 1B was recorded on June 29, 2017.
- 2. The Final Plat for Great Basin Estates Phase 2 was approved by City Council on August 14, 2018.
- 3. The Final Plat for Great Basin Estates Phase 3 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City code.
- 4. The Planning Commission reviewed and recommended a conditional approval to the City Council on the Preliminary Plat on May 3, 2016.

- 5. The City Council conditionally approved the Preliminary Plat at its meeting on May 24, 2016.
- 6. Phasing was shown on the preliminary plat.
- 7. Under the conditional approval for the preliminary plat, a modification of standards was granted for all lot dimensions.
- 8. The subdivision is located on APN 001-633-030, shown as parcel E on Final Plat for Phase 2.
- 9. The proposed subdivision consists of 38 lots with no additional phases.
- 10. The total subdivided area is approximately 9.650 acres in size.
- 11. The proposed density is 5.09 units per acre.
- 12. Approximately 2.187 acres are offered for dedication for street development.
- 13. The area proposed for subdivision has been removed from the FEMA Special Flood Hazard Area by a Letter of Map Revision submitted to and approved by FEMA as Case No. 16-09-0367P with an effective date of April 3, 2017.
- 14. The property is located off Opal Drive and Clarkson Drive.

#### **MASTER PLAN:**

#### Land Use

1. Conformance with the Land Use component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Plat is in conformance with the Preliminary Plat and the Master Plan.

The proposed subdivision is in conformance with the Land Use Component of the Master Plan.

#### **Transportation**

2. Conformance with the Transportation component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Plat is in conformance with the Preliminary Plat.

The proposed subdivision is in conformance with Transportation Component of the Master Plan.

#### **ELKO REDEVELOPMENT PLAN:**

1. The property is not located within the Redevelopment Area.

#### **ELKO WELLHEAD PROTECTION PLAN:**

1. The property lies within the 20 year capture zone for the City of Elko.

The proposed subdivision is in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programed sewer system and all street drainage will report to a storm sewer system.

#### SECTION 3-3-6 FINAL PLAT STAGE (STAGE III)

<u>**Pre-submission Requirements (A)(1)**</u> – The Final Plat is in conformance with the zone requirements. A modification of standards for the lot dimensions was granted with the conditional approval of the Preliminary Plat.

**<u>Pre-submission Requirements (A)(2)</u>** – The proposed final plat conforms to the preliminary plat.

<u>Pre-submission Requirements (A)(3)</u> – The Title Sheet includes an affidavit for public utilities and no objections were received from public utilities upon notification for the Preliminary Plat.

#### SECTION 3-3-8 INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL

- A. Form and Content-The final plat conforms to the required size specifications and provides the appropriate affidavits and certifications.
- B. Identification Data
  - 1. The subdivision map identified the subdivision, and provides its location by section, township, range and county.
  - 2. The subdivision map was prepared by a properly licensed surveyor.
  - 3. The subdivision map provides a scale, north point, and date of preparation.
- C. Survey Data
  - 1. The boundaries of the tract are fully balanced and closed.
  - 2. All exceptions are noted on the plat.
  - 3. The location and description of cardinal points are tied to a section corner.
  - 4. The location and description of any physical encroachments upon the boundary of the tract are noted on the plat.
- D. Descriptive Data
  - 1. The name, right of way lines, courses, lengths and widths of all streets and easements are noted on the plat.
  - 2. All drainage ways are noted on the plan.
  - 3. All utility and public service easements are noted on the plat.
  - 4. The location and dimensions of all lots, parcels and exceptions are shown on the plat.
  - 5. All residential lots are numbered consecutively on the plat.
  - 6. There are no sites dedicated to the public shown on the plat.
  - 7. The location of adjoining subdivisions are noted on the plat with required information.
  - 8. There are no deed restrictions proposed.
- E. Dedication and Acknowledgment
  - 1. The owner's certificate has the required dedication information for all easements and right of ways.
  - 2. The execution of dedication is acknowledged and certified by a notary public.
- F. Additional Information
  - 1. All centerline monuments for streets are noted as being set on the plat.
  - 2. The centerline and width of each right of way is noted on the plat.
  - 3. The plat indicates the location of monuments that will be set to determine the boundaries of the subdivision.
  - 4. The length and bearing of each lot line is identified on the plat.
  - 5. The city boundary adjoining the subdivision is not identified on the plat, as the plat is not adjoining a boundary.
  - 6. The plat identifies the location of the section lines, and 1/16th section line adjoining the subdivision boundaries.
- G. City Engineer to Check
  - 1. The Engineer shall check the final map for accuracy of dimensions, placement of monuments, the establishment of survey records, and conformance with the preliminary map.
    - a) Closure calculations have been provided.

- b) Civil improvement plans have been provided, previous civil
- improvement plans have been approved for this subdivision.
- c) Civil improvement plans for drainage have been submitted.
- d) An engineer's estimate has not been provided.
- 2. It appears the lot closures are within the required tolerances.
- H. Required certifications
  - 1. The Owner's Certificate is shown on the final plat.
  - 2. The Owner's Certificate offers for dedication all right of ways shown on the plat.
  - 3. A Clerk Certificate is shown on the final plat, certifying the signature of the Ĉity Council.
  - 4. The Owner's Certificate offers for dedication all easements shown on the plat.
  - 5. A Surveyor's Certificate is shown on the plat and provides the required language.
  - 6. The City Engineer's Certificate is listed on the plat.
  - 7. A certificate from the Nevada Division of Environmental Protection is provided with the required language.
  - 8. A copy of review by the state engineer is not available at this time.
  - 9. A certificate from the Division of Water Resources is provided on the plat with the required language.
  - 10. The civil improvement plans identify the required water meters for the subdivision.

#### SECTIONS 3-3-20 through 3-3-27 (inclusive)

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process. A modification of standards for lot dimensions was approved during that process.

Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms Sections 3-3-20 through 3-3-27 (inclusive).

#### SECTION 3-3-40-RESPONSIBILITY FOR IMPROVEMENTS

The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of city code.

#### **SECTION 3-3-41-ENGINEERING PLANS**

The Subdivider has submitted civil improvement plans in conformance with section 3-3-41 of City code. The plans have been approved by city staff.

#### **SECTION 3-3-42-CONSTRUCTION AND INSPECTION**

The Subdivider has submitted plans to the city and state agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of city code.

#### **SECTION 3-3-43-REQUIRED IMPROVEMENTS**

The Subdivider has submitted civil improvement plans which are in conformance with Section 3-3-43 of city code.

Civil improvements include curb, gutter and sidewalk, paving and utilities within the Village Parkway, Village Green Circle, Nicole Court and Opal Drive right of ways.

#### SECTION 3-3-44-AGREEMENT TO INSTALL IMPROVEMENTS

The Subdivider will be required to enter into a Performance Agreement to address to conform to Section 3-3-44 of city code.

#### SECTION 3-3-45-PERFORMANCE GUARANTEE

The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of city code.

#### SECTIONS 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process. A modification of standards for lot dimensions was approved during that process.

Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of city code.

#### SECTION 3-8-FLOODPLAIN MANAGEMENT

1. The proposed subdivision has been removed from the FEMA Special Flood Hazard Area by a Letter of Map Revision submitted to and approved by FEMA as Case No. 16-09-0367P with an effective date of April 3, 2017.

The proposed development is in conformance with Section 3-8 of city code.

#### **FINDINGS**

- 1. The Final Plat for Great Basin Estates Phase 3 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City code.
- 2. The Final Plat is in conformance with the Preliminary Plat.
- 3. The proposed subdivision is in conformance with the Land Use Component of the Master Plan.
- 4. The proposed subdivision is in conformance with Transportation Component of the Master Plan.
- 5. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms Sections 3-3-20 through 3-3-27 (inclusive).
- 6. The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of city code.
- 7. The Subdivider has submitted civil improvement plans in conformance with section 3-3-41 of City code. The plans have been approved by city staff.

- 8. The Subdivider has submitted plans to the city and state agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of city code.
- 9. The Subdivider has submitted civil improvement plans which are in conformance with Section 3-3-43 of city code.
- 10. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of city code.
- 11. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of city code.
- 12. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of city code.
- 13. The proposed development is in conformance with Section 3-8 of city code.
- 14. The subdivision is in conformance with 3-8 Floodplain Management.

#### **RECOMMENDATION**

Staff recommends **approval** of the subdivision based on the following conditions:

- The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.
- 2. The Performance Agreement shall be approved by the City Council.
- 3. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
- 4. The Final Plat is approved for 38 single family residential lots.
- 5. The Utility Department will issue a Will Serve Letter for the subdivision.
- 6. State approval of the subdivision is required.
- 7. Conformance with Preliminary Plat conditions is required.
- 8. Civil improvements are to comply with Chapter 3-3 of City code.
- 9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition Standard Specifications for Public Works. All Right –of-Way and utility improvements are to be certified by the Engineer of Record for the project.

- 10. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.
- 11. Modify Planning Commission approval jurat to the 3rd day of May, 2016 prior to City Council approval.

**STAFF COMMENT FLOW SHEET** 9/10 PLANNING COMMISSION AGENDA DATE: **Do not use pencil or red pen, they do not reproduce** Title: Final Plat 11-18 Great Basin Estates Phase 3 Applicant(s): Parrado Partners, LP Site Location: Extension of Village Parkway + Opal Drive Current Zoning: <u>R</u>____ Date Received: <u>8/15/18</u> Date Public Notice: <u>N/A</u> COMMENT: This is to subdivide 9.65 acres into 38 Lots. **If additional space is needed please provide a separate memorandum** Assistant City Manager: Date:  $\frac{3/24}{18}$ - Recommend approval as presented by SI Initial City Manager: Date:_________/24/18 Recommend approval based upon conditions listed in StaffReport. Initial



# **CITY OF ELKO PLANNING DEPARTMENT**

1751 College Avenue * Elko * Nevada * 89801 (775) 777-7160 * (775) 777-7219 fax

# **APPLICATION FOR FINAL PLAT APPROVAL**

APPLICANT(s): Parrado Partners, LP

MAILING ADDRESS: 12257 Business Park Drive #8, Truckee, CA 96161

PHONE NO (Home) (Business) (530) 587-0740

NAME OF PROPERTY OWNER (If different):

(Property owner consent in writing must be provided)

MAILING ADDRESS:

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary): ASSESSOR'S PARCEL NO.: 001-633-030 Address Flagstone Dr/Granite Dr

Lot(s), Block(s), & Subdivision Lot E, Great Basin Estates Subdivision, Phase 2

Or Parcel(s) & File No.

**PROJECT DESCRIPTION OR PURPOSE:** 

APPLICANT'S REPRESENTATIVE OR ENGINEER: High Desert Engineering, LLC

## FILING REQUIREMENTS:

**Complete Application Form**: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month), and must include the following:

- 1. One .pdf of the entire application, and ten (10) 24" x 36" copies of the final plat folded to a size not to exceed 9"x12" provided by a properly licensed surveyor, as well as one (1) set of reproducible plans 8 ½" x 11" in size and any required supporting data, prepared in accordance with Section 3-3-8 of Elko City Code (see attached checklist).
- 2. Pre-Submission Requirements:
  - a. The final plat shall meet all requirements of the zoning district in which located, and any necessary zoning amendment shall have been adopted by the Elko City Council prior to filing of the final plat.
  - b. The final plat shall conform closely to the approved preliminary plat and be prepared in accordance with the provisions of the City Subdivision Ordinance.
  - c. The final plat submittal shall include a letter signifying approval of utility easements by all public utilities involved, and shall be so indicated by an affidavit on the map.
  - d. A complete set of construction plans for all public improvements associated with the final plat shall have been approved or substantially approved by the City Engineer.

Fee: \$750.00 + \$25.00 per lot including remainder parcels; non-refundable.

<u>Other Information</u>: The applicant is encouraged to submit other information and documentation to support the request.

RECEIVED

Revised 1/24/18

AUG 1 5 2018

Identification Dat	
	Subdivision Name
	Location and Section, Township and Range
·	Name, address and phone number of subdivider
·	Name, address and phone number of engineer/surveyor
	Scale, North Point and Date of Preparation
	Location maps
Survey Data (Req	uired)
· ·	Boundaries of the Tract fully balanced and closed
	Any exception within the plat boundaries
	The subdivision is to be tied to a section corner
	Location and description of all physical encroachments
<b>Descriptive Data</b>	
	Street Layout, location, widths, easements
	All drainageways, designated as such
	All utility and public service easements
	Location and dimensions of all lots, parcels
	Residential Lots shall be numbered consecutively
	All sites to be dedicated to the public and proposed use
	Location of all adjoining subdivisions with name date, book and page
	Any private deed restrictions to be imposed upon the plat
<b>Dedication and A</b>	cknowledgment
	Statement of dedication for items to be dedicated
	Execution of dedication ackowledged by a notary public
Additional Inform	nation
	Street CL, and Monuments identified
· · · · · · · · · · · · · · · · · · ·	Street CL and width shown on map
	Location of mounuments used to determine boudaries
	Each city boundary line crossing or adjoing the subdivision
	Section lines crossing the subdivision boundaries
<b>City Engineer to (</b>	Check
	Closure report for each of the lots
	Civil Improvement plans
	Estimate of quantities required to complete the improvements
<b>Required Certific</b>	
	All parties having record title in the land to be subdivided
	Offering for dedication
	Clerk of each approving governing body
	Easements
	Surveyor's Certificate
han <del>n,</del>	City Engineer
	State Health division
<u></u>	State Engineer
	Division of Water Resources
	City Council

## Final Plat Checklist as per Elko City Code 3-3-8

#### By My Signature below:

 $\square$  I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

L I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

 $\Box$ , I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

2. I acknowledge that, if approved, I must provide an AutoCAD file containing the final subdivision layout on NAD 83 NV East Zone Coordinate System to the City Engineering Department when requesting final map signatures for recording.

I have carefully read and completed all questions contained within this application to the best of my ability.

Robert E.	. Morley, P.L.S.		
640 Idah	o Street		
	Street Address or P.O. Box		
Elko, Nev	vada 89801		
	City, State, Zip Code		
Phone Number:	775-738-4053		
Email address:	remorley@frontiern	et.net	
Kehmt	F. maly		
		У	50 <del>-</del> 700
	(Pl 640 Idah Elko, Nev Phone Number: Email address: Email address:	Phone Number: 775-738-4053 Email address: remorley@frontiern KMMT T. MMY FOR OFFICE USE ONLY	(Please print or type) 640 Idaho Street Street Address or P.O. Box Elko, Nevada 89801 City, State, Zip Code Phone Number: 775-738-4053 Email address: remorley@frontiernet.net MMMM T. MMMM MMMM T. MMMM

Revised 1/24/18

## RECEIVED

AUG 1 5 2018

Phase 3.txt

Parcel name: Lot 44 North: 28473550.8913 East : 612360.1426 Line Course: S 48-15-09 E Length: 59.00 North: 28473511.6062 East : 612404.1617 Line Course: S 41-44-51 W Length: 100.00 North: 28473436.9976 East : 612337.5768 Line Course: N 48-15-09 W Length: 74.00 North: 28473486.2704 East : 612282.3664 Line Course: N 41-44-51 E Length: 9.55 North: 28473493.3955 East : 612288.7253 Line Course: N 41-44-51 E Length: 75.45 North: 28473549.6878 East : 612338.9636 
 North.
 201/001/001

 Length:
 23.56
 Radius:
 15.00

 Delta:
 90-00-00
 Tangent:
 15.00

 Course:
 N 86 Curve Length: 23.56 Course: N 86-44-51 E Course:N 86-44-51 ECourse In:S 48-15-09 ECourse Out:N 41-44-51 ERP North:28473539.7000East : 612350.1549End North:28473550.8913East : 612360.1426 Perimeter: 341.56 Area: 7,352 S.F. 0.169 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Course: S 90-00-00 E Error Closure: 0.0000 Error North: 0.00000 East : 0.00000 Precision 1: 341,560,000.00 Parcel name: Lot 45 North: 28473511.6062 East : 612404.1617 Line Course: S 48-15-09 E Length: 60.00 North: 28473471.6552 East : 612448.9269 Line Course: S 41-44-51 W Length: 100.00 North: 28473397.0466 East : 612382.3420 Line Course: N 48-15-09 W Length: 60.00 North: 28473436.9975 East : 612337.5768 Line Course: N 41-44-51 E Length: 100.00 North: 28473511.6062 East : 612404.1617 Line Course: S 21-04-39 W Length: 0.00 North: 28473511.6062 East : 612404.1617 Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Course: S 90-00-00 E Error Closure: 0.0000 Error North: 0.00000 East : 0.00000 Page 1

Precision 1: 320,000,000.00

Parcel name: Lot 46 North: 28473471.6552 East : 612448.9268 Line Course: S 48-15-09 E Length: 60.00 North: 28473431.7042 East : 612493.6920 Course: S 41-44-51 W Length: 100.00 Line North: 28473357.0956 East : 612427.1071 Course: N 48-15-09 W Length: 60.00 Line North: 28473397.0465 East : 612382.3419 Course: N 41-44-51 E Length: 100.00 Line North: 28473471.6552 East : 612448.9268 Course: S 31-08-20 W Length: 0.00 Line North: 28473471.6552 East : 612448.9268 Area: 6,000 S.F. 0.138 ACRES Perimeter: 320.00 Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 320,000,000.00 Parcel name: Lot 47 North: 28473431.7042 East : 612493.6920 Line Course: S 48-15-09 E Length: 60.00 North: 28473391.7532 East : 612538.4571 Line Course: S 41-44-51 W Length: 100.00 North: 28473317.1446 East : 612471.8722 Line Course: N 48-15-09 W Length: 60.00 North: 28473357.0955 East : 612427.1070 Course: N 41-44-51 E Length: 100.00 Line North: 28473431.7042 East : 612493.6920 Line Course: S 44-32-56 W Length: 0.00 North: 28473431.7042 East : 612493.6920 Area: 6,000 S.F. 0.138 ACRES Perimeter: 320.00 Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 320,000,000.00

Page 2

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Parcel name: Lot 48

North: 28473391.7532 East : 612538.4571	
Line Course: S 48-15-09 E Length: 60.00	
North: 28473351.8022 East : 612583.2223	
Line Course: S 41-44-51 W Length: 100.00	
North: 28473277.1936 East : 612516.6374	
Line Course: N 48-15-09 W Length: 60.00	
North: 28473317.1445 East : 612471.8722	
Line Course: N 41-44-51 E Length: 100.00	
North: 28473391.7532 East : 612538.4571	
Line Course: S 46-10-09 W Length: 0.00	
North: 28473391.7532 East : 612538.4571	
Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES	
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Error North: 0.00000 East : 0.00000	
Precision 1: 320,000,000.00	
FIECISION 1. 520,000,000.00	
Deneri	
Parcel name: Lot 49	
North: 28473311.8512 East : 612627.9874	
Line Course: N 48-15-09 W Length: 60.00	
North: 28473351.8021 East : 612583.2222	
Line Course: S 41-44-51 W Length: 100.00	
North: 28473277.1935 East : 612516.6373	
Line Course: S 48-15-09 E Length: 60.00	
North: 28473237.2425 East : 612561.4025	
Line Course: N 41-44-51 E Length: 100.00	
North: 28473311.8512 East : 612627.9874	
Line Course: S 36-17-33 W Length: 0.00	
North: 28473311.8512 East : 612627.9874	
Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES	
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riecision 1. 520,000,000.00	
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Daves Let 50	
Parcel name: Lot 50	
North: 28473307.5780 East : 612632.7754	
Line Course: N 48-15-09 W Length: 6.42	
North: 28473311.8528 East : 612627.9855	
Page 3	

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Phase 3.txt Line Course: S 41-44-51 W Length: 100.00 North: 28473237.2442 East : 612561.4006 Course: S 48-15-09 E Length: 25.06 Line North: 28473220.5580 East : 612580.0975 Line Course: S 37-41-16 E Length: 43.58 North: 28473186.0708 East : 612606.7405 Line Course: N 41-45-12 E Length: 105.55 North: 28473264.8130 East : 612677.0289 Curve Length: 61.56 Radius: 775.00 Tangent: 30.80 Delta: 4-33-04 Chord: 61.54 Course: N 45-58-37 W Course In: S 46-17-55 W Course Out: N 41-44-51 E RP North: 28472729.3656 East : 612116.7424 End North: 28473307.5826 East : 612632.7754 Line Course: S 01-47-24 E Length: 0.00 North: 28473307.5826 East : 612632.7754 Perimeter: 342.16 Area: 6,912 S.F. 0.159 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0045 Course: N 00-20-13 E Error North: 0.00452 East : 0.00003 Precision 1: 76,037.78 Parcel name: Lot 51 North: 28473264.8082 East : 612677.0290 Radius: 775.00 Length: 74.85 Curve Delta: 5-32-02 Tangent: 37.45 Chord: 74.82 Course: S 40-56-04 E Course In: S 46-17-55 W Course Out: N 51-49-57 E RP North: 28472729.3608 East : 612116.7425 End North: 28473208.2818 East : 612726.0533 Line Course: S 48-00-44 W Length: 108.30 North: 28473135.8321 East : 612645.5553 Course: N 37-41-16 W Length: 63.48 Line North: 28473186.0672 East : 612606.7463 Line Course: N 41-45-12 E Length: 105.55 North: 28473264.8095 East : 612677.0347 Perimeter: 352.18 Area: 7,389 S.F. 0.170 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0058 Course: N 77-25-02 E Error North: 0.00125 East : 0.00562 Precision 1: 60,720.69

Parcel name: Lot 52 North: 28473208.2841 East : 612726.0514 Radius: 775.00 Curve Length: 74.85 Tangent: 37.45 Course: S 35-24-03 E Delta: 5-32-01 Chord: 74.82 Course In: S 51-49-57 W Course Out: N 57-21-58 E RP North: 28472729.3631 East : 612116.7405 End North: 28473147.2966 East : 612769 2040 Line Course: S 50-43-33 W Length: 111.20 North: 28473076.9034 East : 612683.3113 Line Course: N 32-39-03 W Length: 69.99 North: 28473135.8332 East : 612645.5504 Line Course: N 48-00-44 E Length: 108.30 North: 28473208.2829 East : 612726.0484 Perimeter: 364.34 Area: 7,935 S.F. 0.182 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) 
 Error Closure: 0.0032
 Course: S 67-29-22 W

 Error North: -0.00121
 East : -0.00293
 Precision 1: 113,856.25 Parcel name: Lot 53 North: 28473147.2961 East : 612/05 Radius: 775.00 East : 612769.3946 Curve Length: 74.85 Delta: 5-32-01 Tangent: 37.45 Course: S 29-52-02 E Chord: 74.82 Course In: S 57-21-58 W Course Out: N 62-53-59 E RP North: 28472729.3626 East : 612116.7410 End North: 28473082.4133 East : 612806.6542 Line Course: S 53-39-25 W Length: 107.04 North: 28473018.9794 East : 612720.4353 Line Course: N 32-39-03 W Length: 68.80 North: 28473076.9072 East : 612683.3165 Line Course: N 50-43-33 E Length: 111.20 North: 28473147.3003 East : 612769.3993 Line Course: S 90-00-00 E Length: 0.00 North: 28473147.3003 East : 612769.3993 Perimeter: 361.89 Area: 7,824 S.F. 0.180 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Course: N 47-53-33 E Error Closure: 0.0063 Error North: 0.00425 East : 0.00471 Precision 1: 57,442.86

Page 5

Parcel name: Lot 54

North: 28473069.3312	East : 612868.4368
Curve Length: 63.52 R	adius: 825.00
North: 28473069.3312 Curve Length: 63.52 R Delta: 4-24-42 Ta	ngent: 31.78
Chord: 63.51	Course: N 26-32-30 W
Course In: S 65-39-51 W Cours	
RP North: 28472729.3617	
End North: 28473126.1459	
Line Course: N 63-48-49 E Length: 1	
Line course: N 05-40-49 E Lengen: 1	103.71
North: 28473171.9123 Line Course: S 33-34-46 E Length: 7	EdSL : 012933.1240
Line Course: S 33-34-46 E Length: 7	0.31
North: 28473108.3370	
Line Course: S 68-46-47 W Length: 1	.08.63
North: 28473069.0179	
Line Course: S 65-39-51 W Length: 5	0.00
North: 28473066.9574	
Line Course: N 24-20-09 W Length: 2	
North: 28473069.3355	East : 612868.4349
Perimeter: 359.77 Area: 7,621 S.	F. 0.175 ACRES
Mapcheck Closure - (Uses listed cours	es, radii, and deltas)
Error Closure: 0.0047 C	ourse: N 24-54-01 W
Error Closure: 0.0047 C Error North: 0.00429	East : -0.00199
Precision 1: 76,548.94	
Parcel name: Lot 55	
Parcel name: Lot 55	
Parcel name: Lot 55	
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R	East : 612840.0584 adius: 825.00
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R	East : 612840.0584 adius: 825.00
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R	East : 612840.0584 adius: 825.00
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W RP North: 28472729.3618 End North: 28473176.1938	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1 North: 28473126.1455	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1 North: 28473126.1455 Perimeter: 331.63 Area: 6,473 S.1	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578 F. 0.149 ACRES
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1 North: 28473126.1455 Perimeter: 331.63 Area: 6,473 S.1 Mapcheck Closure - (Uses listed cours	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578 F. 0.149 ACRES es, radii, and deltas)
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Course RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1 North: 28473126.1455 Perimeter: 331.63 Area: 6,473 S. Mapcheck Closure - (Uses listed cours Error Closure: 0.0008 C	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578 F. 0.149 ACRES es, radii, and deltas) ourse: S 50-47-13 W
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1 North: 28473126.1455 Perimeter: 331.63 Area: 6,473 S. Mapcheck Closure - (Uses listed cours Error Closure: 0.0008 C	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578 F. 0.149 ACRES es, radii, and deltas)
Parcel name: Lot 55 North: 28473126.1460 Curve Length: 58.26 R Delta: 4-02-46 Ta Chord: 58.25 C Course In: S 61-15-09 W Cours RP North: 28472729.3618 End North: 28473176.1938 Line Course: N 57-29-16 E Length: 1 North: 28473229.9471 Line Course: S 33-34-46 E Length: 6 North: 28473171.9120 Line Course: S 63-48-49 W Length: 1 North: 28473126.1455 Perimeter: 331.63 Area: 6,473 S. Mapcheck Closure - (Uses listed cours Error North: -0.0008 C Error North: -0.00049 Precision 1: 414,550.00	East : 612840.0584 adius: 825.00 ngent: 29.14 ourse: N 30-46-14 W e Out: N 57-12-23 E East : 612116.7416 East : 612810.2588 00.01 East : 612894.5949 9.66 East : 612933.1234 03.71 East : 612840.0578 F. 0.149 ACRES es, radii, and deltas) ourse: S 50-47-13 W

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Parcel name: Lot 56 North: 28473176.1939 East : 012010 Radius: 825.00 East : 612810.2587 Curve Length: 70.23 Tangent: 35.14 Delta: 4-52-39 Chord: 70.21 Course: N 35-13-56 W Course In: S 57-12-23 W Course Out: N 52-19-44 E 
 RP
 North:
 28472729.3620
 East :
 612116.7414
 East : 612769.7552 Radius: 15.00 End North: 28473233.5426 Curve Length: 22.40 Delta: 85-33-39 Tangent: 13.88 Course: N 05-Chord: 20.38 Course: N 05-06-33 E Course In: N 52-19-44 E Course Out: N 42-06-37 W 
 RP North:
 28473242.7095
 East :
 612781.6281

 End North:
 28473253.8373
 East :
 612771.5697
 Line Course: N 47-53-23 E Length: 75.24 North: 28473304.2903 East : 612827.3869 Line Course: S 42-06-44 E Length: 100.22 North: 28473229.9438 East : 612894.5930 Line Course: S 57-29-16 W Length: 100.01 North: 28473176.1904 East : 612810.2569 Line Course: N 90-00-00 W Length: 0.00 North: 28473176.1904 East : 612810.2569 Perimeter: 368.09 Area: 8,568 S.F. 0.197 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0039 Course: S 28-20-56 W Error North: -0.00347 East : -0.00187 Precision 1: 94,384.62 Parcel name: Lot 57 North: 28473304.2895 East : 612827.3875 Line Course: N 47-53-23 E Length: 60.35 North: 28473344.7578 East : 612872.1584 Curve Length: 21.47 Radius: 15.00 Delta: 82-00-04 Tangent: 13.04 Chord: 19.68 Course: N 88-53-25 E Course In: S 42-06-37 E Course Out: N 39-53-27 E End North: 28473345.1390 Course: 5 50 00 East : 612882.2168 East : 612801 0007 Line Course: S 50-06-33 E Length: 84.57 North:28473290.9020East : 612956.7246Length:17.45Radius: 20.00Delta:49-59-41Tangent: 9.33 Curve Length: 17.45 Delta: 49-59-41

Phase 3.txt Chord: 16.90 Course: S 25-06-43 E Course In: S 39-53-27 W Course Out: N 89-53-08 E RP North: 28473275.5566 East : 612943.8980 End North: 28473275.5965 East : 612963.8980 Line Course: \$ 56-37-37 W Length: 82.99 North: 28473229.9447 East : 612894.5925 Line Course: N 42-06-44 W Length: 100.22 North: 28473304.2912 East : 612827.3865 Line Course: N 90-00-00 W Length: 0.00 North: 28473304.2912 East : 612827.3865 Perimeter: 367.04 Area: 8,586 S.F. 0.197 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0020 Course: N 29-41-16 W Error North: 0.00171 East : -0.00098 Precision 1: 183,525.00 Parcel name: Lot 58 North: 28473275.5971 East : 612963.8968 Curve Length: 81.11 Radius: 50.00 Tangent: 52.64 Delta: 92-56-48 Chord: 72.51 Course: S 46-35-16 E Course In: N 89-53-08 E Course Out: S 03-03-40 E RP North: 28473275.6970 East : 613013.8967 End North: 28473225.7683 East : 613016.5668 Line Course: S 03-03-40 E Length: 99.50 North: 28473126.4103 East : 613021.8802 Line Course: S 68-46-47 W Length: 49.94 North: 28473108.3343 East : 612975.3263 Line Course: N 33-34-46 W Length: 76.31 North: 28473171.9097 East : 612933.1198 Line Course: N 33-34-46 W Length: 69.66 North: 28473229.9448 East : 612894.5914 Course: N 56-37-37 E Length: 82.99 Line North: 28473275.5966 East : 612963.8969 Line Course: S 90-00-00 E Length: 0.00 North: 28473275.5966 East : 612963.8969 Perimeter: 459.51 Area: 11,758 S.F. 0.270 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0005 Course: S 06-41-40 E Error North: -0.00053 East : 0.00006 Precision 1: 919,020.00

Parcel name: Lot 59

North: 28473225.7683 East : 613016.5668 Length: 62.48 Radius: 50.00 Curve Tangent: 36.06 Course: N 51-Delta: 71-36-03 Chord: 58.50 Course: N 51-08-19 E Course In: N 03-03-40 W Course Out: S 74-39-43 E RP North: 28473275.6970 East : 613013.8968 End North: 28473262.4713 East : 613062.1159 Line Course: S 74-39-43 E Length: 262.30 North: 28473193.0894 East : 613315.0733 Line Course: S 80-27-31 W Length: 217.18 North: 28473157.0896 East : 613100.8977 Line Course: S 68-46-47 W Length: 84.76 North: 28473126.4104 East : 613021.8848 Line Course: N 03-03-40 W Length: 99.50 North: 28473225.7684 East : 613016.5714 Perimeter: 726.22 Area: 18,725 S.F. 0.430 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0046 Course: N 89-24-51 E Error North: 0.00005 East : 0.00455 Precision 1: 157,873.91 Parcel name: Lot 60 North: 28473316.4906 East : 613042.8083 Curve Length: 61.10 Radius: 50.00 Delta: 70-00-42 Tangent: 35.02 Chord: 57.37 Course: S 19-40-04 E Course In: S 35-19-35 W Course Out: S 74-39-43 E RP North: 28473275.6970 East : 613013.8967 End North: 28473262.4714 East: 613062.1157 Line Course: S 74-39-43 E Length: 262.30 North: 28473193.0894 East : 613315.0731 Line Course: N 46-55-41 W Length: 204.73 North: 28473332.9029 East : 613165.5185 Line Course: N 54-33-09 W Length: 90.62 North: 28473385.4585 East : 613091.6952 Line Course: S 35-19-35 W Length: 84.54 North: 28473316.4848 East : 613042.8113 Perimeter: 703.28 Area: 19,445 S.F. 0.446 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0066 Course: S 27-18-00 E Error North: -0.00584 East : 0.00301 Precision 1: 106,559.09

Parcel name: Lot 61 North: 28473329.2660 East : 612988.7897 Line Course: N 50-06-33 W Length: 34.90 North: 28473351.6483 East : 612962.0121 Course: N 37-00-20 E Length: 102.79 Line North: 28473433.7340 East : 613023.8806 Course: S 54-33-09 E Length: 83.24 Line North: 28473385.4584 East : 613091.6918 Line Course: S 35-19-35 W Length: 84.54 North: 28473316.4847 East : 613042.8080 Curve Length: 39.65 Radius: 50.00 Delta: 45-25-49 Tangent: 20.93 Chord: 38.61 Course: N 77-23-20 W Course In: S 35-19-35 W Course Out: N 10-06-14 W East : 613013.8963 RP North: 28473275.6911 End North: 28473324.9157 East : 613005.1246 Curve Length: 17.45 Radius: 20.00 Delta: 49-59-41 Tangent: 9.33 Chord: 16.90 Course: N 75-06-24 W Course In: N 10-06-14 W Course Out: S 39-53-27 W East : 613001.6159 RP North: 28473344.6055 End North: 28473329.2601 East : 612988.7894 Perimeter: 362.57 Area: 8,289 S.F. 0.190 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0059 Course: S 02-53-31 W Error North: -0.00584 East : -0.00030 Precision 1: 61,452.54 Parcel name: Lot 62 North: 28473407.8278 East : 612910.4311 Line Course: N 37-00-20 E Length: 86.93 North: 28473477.2481 East : 612962.7536 Line Course: S 54-33-09 E Length: 75.03 North: 28473433.7339 East : 613023.8766 Course: S 37-00-20 W Length: 102.79 Line North: 28473351.6482 East : 612962.0081 Line Course: N 50-06-33 W Length: 35.20 North: 28473374.2229 East : 612935.0002 Curve Length: 10.93 Radius: 20.00 Delta: 31-18-01 Tangent: 5.60 Course: N 34-27-33 W Chord: 10.79 Course In: N 39-53-27 E Course Out: S 71-11-28 W RP North: 28473389.5683 East : 612947.8268 Page 10

Phase 3.txt End North: 28473383.1200 East : 612928.8948 Curve Length: 31.36 Radius: 50.00 Delta: 35-56-09 Tangent: 16.22 Course: N 36-46-36 W Chord: 30.85 Course In: S 71-11-28 W Course Out: N 35-15-19 E RP North: 28473366.9994 East : 612881.5648 End North: 28473407.8288 East : 612910.4259 Line Course: N 08-52-50 E Length: 0.00 North: 28473407.8288 East : 612910.4259 Area: 7,239 S.F. 0.166 ACRES Perimeter: 342.23 Mapcheck Closure - (Uses listed courses, radii, and deltas) Course: N 79-03-06 W Error Closure: 0.0053 Error North: 0.00101 East : -0.00524 Precision 1: 64,573.58 Parcel name: Lot 63 East : 612866.4001 North: 28473414.6415 Line Course: N 07-35-56 W Length: 146.26 East : 612847.0591 North: 28473559.6171 Course: S 54-33-09 E Length: 142.02 Line North: 28473477.2516 East : 612962.7553 Course: S 37-00-20 W Length: 86.93 Line North: 28473407.8313 East : 612910.4328 Curve Length: 46.18 Radius: 50.00 Delta: 52-55-02 Tangent: 24.88 Chord: 44.56 Course: N 81-12-12 W Course In: S 35-15-19 W Course Out: N 17-39-43 W RP North: 28473367.0019 East : 612881.5718 End North: 28473414.6450 East : 612866.4018 Area: 9,139 S.F. 0.210 ACRES Perimeter: 421.39 Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0039 Course: N 25-04-50 E Error North: 0.00353 East : 0.00165 Precision 1: 108,048.72 Parcel name: Lot 64 North: 28473458.0698 East : 612756.4434 Line Course: N 41-44-40 E Length: 136.10 East : 612847.0601 North: 28473559.6170 Line Course: S 07-35-56 E Length: 146.26 North: 28473414.6414 East : 612866.4011 Page 11

Phase 3.txt Curve Length: 48.65 Radius: 50.00 Delta: 55-44-56 Tangent: 26.45 Chord: 46.75 Course: S 44-27-49 W Course In: S 17-39-43 E Course Out: N 73-24-39 W RPNorth:28473366.9983East :612881.5711End North:28473381.2736East :612833.6522 Line Course: N 45-09-12 W Length: 108.90 North: 28473458.0712 East : 612756.4425 Line Course: S 08-52-50 E Length: 0.00 North: 28473458.0712 East : 612756.4425 Perimeter: 439.91 Area: 9,913 S.F. 0.228 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0017 Course: N 32-10-58 W Error North: 0.00141 East : -0.00089 Precision 1: 258,770.59 Parcel name: Lot 65 North: 28473398.3800 East : 612703.1787 Line Course: N 41-44-40 E Length: 80.00 North: 28473458.0697 East : 612756.4435 Line Course: S 45-09-12 E Length: 108.90 North: 28473381.2722 East : 612833.6532 Radius: 20.00 Curve Length: 10.93 Tangent: 5.60 Delta: 31-18-02 Chord: 10.79 Course: S 32-14-22 W Course In: N 73-24-39 W Course Out: S 42-06-37 E RPNorth:28473386.9823East :612814.4856End North:28473372.1452East :612827.8968 Line Course: S 47-53-23 W Length: 63.83 North: 28473329.3434 East : 612780.5442 Line Course: N 48-15-17 W Length: 103.69 North: 28473398.3823 East : 612703.1798 Line Course: N 90-00-00 W Length: 0.00 North: 28473398.3823 East : 612703.1798 Perimeter: 367.34 Area: 8,290 S.F. 0.190 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0025 Course: N 26-06-30 E Error North: 0.00228 East : 0.00112 Precision 1: 146,940.00 

Parcel name: Lot 66

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Phase 3.tx1	
North: 28473398.3800 East : 612703	3.1787
Line Course: S 48-15-17 E Length: 103.69	
North: 28473329.3411 East :	612780.5431
Line Course: S 47-53-23 W Length: 54.90	
North: 28473292.5274 East :	612739.8152
North:         28473292.5274         East :           Curve         Length:         23.29         Radius:           Delta:         88-58-41         Tangent:	15.00
Delta: 88-58-41 Tangent:	14.73
Chord: 21.02 Course:	N 87-37-17 W
Course In: N 42-06-37 W Course Out:	S 46-52-04 W
RP North: 28473303.6552 East :	612729.7568
End North: 28473293 3999 East •	612718.8102
Curve Length: 73.73 Delta: 5-07-13 Chord: 73.70 Course:	825.00
Delta: 5-07-13 Tangent:	36.89
Chord: 73.70 Course:	N 45-41-33 W
Course In: S 46-52-04 W Course Out:	N 41-44-51 E
Course In: S 46-52-04 W Course Out: RP North: 28472729.3604 East:	612116.7434
End North: 28473344.8817 East :	612666.0689
Line Course: N 48-15-09 W Length: 7.93	
North: 28473350.1619 East :	612660,1524
Line Course: N 41-44-40 E Length: 64.62	0120001021
North: 28473398.3763 East :	612703,1770
Line Course: S 90-00-00 E Length: 0.00	01270001770
North: 28473398.3763 East :	612703 1770
	0127001170
Perimeter: 328.16 Area: 6,570 S.F. 0.1	51 ACRES
Mapcheck Closure - (Uses listed courses, ra	dii. and deltas)
Error Closure: 0.0041 Course:	S 24-14-30 W
Error Closure: 0.0041 Course: Error North: -0.00371 East :	-0.00167
Precision 1: 80,039.02	
Parcel name: Lot 67	
North: 28473350.1625 East : 612660	.1514
Line Course: N 48-15-09 W Length: 88.68	
	612593.9885
Curve Length: 23.56 Radius:	
Delta: 90-00-00 Tangent:	
	N 03-15-09 W
	N 48-15-09 W
	612603.9762
	612592.7849
Line Course: N 41-44-51 E Length: 49.62	
	612625.8244
Line Course: S 48-15-17 E Length: 103.67	
	612703.1738
Line Course: S 41-44-40 W Length: 64.62	
	612660.1492
Line Course: N 30-41-59 E Length: 0.00	
North: 28473350.1699 East :	612660.1492
Domo 12	
Page 13	

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### Phase 3.txt

Perimeter: 330.16 Area: 6,651 S.F. 0.153 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)Error Closure: 0.0077Course: N 16-43-22 WError North: 0.00736East : -0.00221Precision 1: 42,876.62

Parcel name: Lot 68

North: 28473467,4083 East : 612625.8264	
Line Course: S 48-15-17 E Length: 103.67	
North: 28473398.3827 East : 612703.1758	
Line Course: N 41-44-40 E Length: 80.00	
North: 28473458.0724 East : 612756.4406	
Line Course: N 48-15-19 W Length: 80.37	
North: 28473511.5838 East : 612696.4750	
Curve Length: 56.70 Radius: 50.00	
North:28473511.5838East :612696.4750CurveLength:56.70Radius:50.00Delta:64-58-12Tangent:31.84	
Chord: 53.71 Course: S 59-15-27 W	
Course In: N 63-13-39 W Course Out: S 01-44-33 W	
RP North: 28473534.1063 East : 612651.8349	
RPNorth:28473534.1063East :612651.8349End North:28473484.1294East:612650.3145CurveLength:17.45Radius:20.00	
Curve Length: 17.45 Radius: 20.00	
Curve Length:         17.45         Radius:         20.00           Delta:         49-59-42         Tangent:         9.33	
Chord: 16.90 Course: S 66-44-42 W	
Course In: S 01-44-33 W Course Out: N 48-15-09 W	
RPNorth:28473464.1386East :612649.7064End North:28473477.4556East :612634.7846	
End North: 28473477.4556 East : 612634.7846	
Line Course: S 41-44-51 W Length: 13.46	
North: 28473467.4133 East : 612625.8223	
Line Course: S 90-00-00 E Length: 0.00	
North: 28473467.4133 East : 612625.8223	
Perimeter: 351.65 Area: 7,196 S.F. 0.165 ACRES	
Mapcheck Closure - (Uses listed courses, radii, and deltas)	
Error Closure:         0.0065         Course:         N 38-48-39         W           Error North:         0.00505         East : -0.00406	
Precision 1: 54,100.00	
	-
Parcel name: Lot 69	
North: 28473511.5796 East : 612696.4796	
Curve Length: 64.43 Radius: 50.00	
Delta: 73-50-06 Tangent: 37.56	
Chord: 60.07 Course: N 10-08-42 W	

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Phase 3.txt Course In: N 63-13-39 W Course Out: N 42-56-15 E RP North: 28473534.1020 East : 612651.8395 End North: 28473570.7069 East : 612685.8995 Line Course: N 42-56-15 E Length: 85.16 North: 28473633.0523 East : 612743.9105 Line Course: S 54-33-09 E Length: 126.62 North: 28473559.6182 East : 612847.0611 Line Course: S 41-44-40 W Length: 136.10 North: 28473458.0710 East : 612756.4445 Line Course: N 48-15-19 W Length: 80.37 North: 28473511.5824 East : 612696.4789 Course: N 03-34-35 W Length: 0.00 Line North: 28473511.5824 East : 612696.4789 Perimeter: 492.68 Area: 15,110 S.F. 0.347 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0029 Course: N 13-24-13 W Error North: 0.00278 East : -0.00066 Precision 1: 169,889.66 Parcel name: Lot 70 North: 28473581.5078 East : 612635.9433 Line Course: N 48-15-19 W Length: 88.98 East : 612569.5537 North: 28473640.7518 Course: N 46-08-47 E Length: 96.52 Line North: 28473707.6226 East : 612639.1554 Line Course: S 54-33-09 E Length: 128.59 North: 28473633.0460 East : 612743.9109 Course: S 42-56-15 W Length: 85.16 Line North: 28473570.7006 East : 612685.8999 Length: 53.65 Curve Radius: 50.00 Delta: 61-28-29 Tangent: 29.73 Chord: 51.11 Course: N 77-48-00 W Course In: S 42-56-15 W Course Out: N 18-32-14 W RP North: 28473534.0957 East : 612651.8399 End North: 28473581.5016 East : 612635.9439 Line Course: S 43-37-31 E Length: 0.00 North: 28473581.5016 East : 612635.9439 Perimeter: 452.90 Area: 12,635 S.F. 0.290 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0062 Course: S 05-10-00 E Error North: -0.00618 East : 0.00056 Precision 1: 73,048.39

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Phase 3.txt

Parcel name: Lot 71

North: 28473581.8964 East : 612517.0211 Line Course: S 48-30-52 E Length: 107.41 North: 28473510.7447 East : 612597.4844 Curve Length: 17.45 Radius: 20.00 Delta: 49-59-41 Tangent: 9.33 Chord: 16.90 Course: N 16-45-01 E Course In: N 48-15-09 W Course Out: N 81-45-10 E RP North: 28473524.0617 East : 612582.5626 End North: 28473526.9306 East : 612602.3558 Curve Length: 69.56 Radius: 50.00 Delta: 79-42-36 Tangent: 41.74 Chord: 64.08 Course: N 31-36-28 E Course In: N 81-45-10 E Course Out: N 18-32-14 W RP North: 28473534.1028 East : 612651.8387 End North: 28473581.5087 East : 612635.9427 Line Course: N 48-15-19 W Length: 88.98 North: 28473640.7527 East : 612569.5531 Line Course: S 41-44-51 W Length: 78.89 North: 28473581.8940 East : 612517.0242 Perimeter: 362.30 Area: 7,099 S.F. 0.163 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0040 Course: S 51-25-09 E Error North: -0.00249 East : 0.00312 Precision 1: 90,572.50 Parcel name: Lot 72 North: 28473581.8964 East : 612517.0211 Line Course: S 48-30-52 E Length: 107.41 North: 28473510.7447 East : 612597.4844 Course: S 41-44-51 W Length: 63.08 Line North: 28473463.6816 East : 612555.4826 Length: 23.56 Radius: 15.00 Curve Delta: 90-00-00 Tangent: 15.00 Chord: 21.21 Course: S 86-44-51 W Course In: N 48-15-09 W Course Out: S 41-44-51 W RP North: 28473473.6693 East : 612544.2913 End North: 28473462.4780 East : 612534.3036 Course: N 48-15-09 W Length: 92.41 Line North: 28473524.0091 East : 612465.3577 Line Course: N 41-44-51 E Length: 77.59 North: 28473581.8980 East : 612517.0210

Perimeter: 364.05 Area: 8,312 S.F. 0.191 ACRES

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Phase 3.txt Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0015 Course: N 05-02-22 W Error North: 0.00153 East : -0.00014 Precision 1: 242,700.00 Parcel name: Lot 73 North: 28473588.1956 East : 612393.4351 Line Course: S 48-15-09 E Length: 96.40 North: 28473524.0077 East : 612465.3579 Line Course: N 41-44-51 E Length: 77.59 North: 28473581.8966 East : 612517.0211 Line Course: N 48-15-09 W Length: 111.40 North: 28473656.0722 East : 612433.9071 Line Course: S 41-44-51 W Length: 62.59 North: 28473609.3746 East : 612392.2316 Curve Length: 23.56 Radius: 15.00 Delta: 90-00-00 Tangent: 15.00 Chord: 21.21 Course: S 03-15-09 E Course In: S 48-15-09 E Course Out: S 41-44-51 W RP North: 28473599.3869 East : 612403.4229 End North: 28473588.1956 East : 612393.4351 Perimeter: 371.54 Area: 8,595 S.F. 0.197 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: N 00-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 371,540,000.00 Parcel name: Lot 74 North: 28473656.0721 East : 612433.9072 Line Course: N 41-44-51 E Length: 78.89 North: 28473714.9309 East : 612486.4360 Course: S 48-15-09 E Length: 111.40 Line North: 28473640.7553 East : 612569.5500 Line Course: S 41-44-51 W Length: 78.89 North: 28473581.8965 East : 612517.0212 Course: N 48-15-09 W Length: 111.40 Line North: 28473656.0721 East : 612433.9072 Line Course: N 42-11-04 W Length: 0.00 North: 28473656.0721 East : 612433.9072 Perimeter: 380.58 Area: 8,788 S.F. 0.202 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Page 17

Error Closure: 0.0000 Error North: 0.00000 Precision 1: 380,580,000.00 Phase 3.txt Course: S 90-00-00 E East : 0.00000

Parcel name: Lot 75 East : 612486.4361 North: 28473714.9308 Line Course: S 48-15-09 E Length: 111.40 East : 612569.5501 North: 28473640.7552 Course: N 46-08-47 E Length: 96.52 Line North: 28473707.6260 East : 612639.1519 Line Course: N 54-33-09 W Length: 105.44 North: 28473768.7767 East : 612553.2554 Line Course: N 48-15-09 W Length: 14.00 North: 28473778.0986 East : 612542.8102 Course: S 41-44-51 W Length: 84.67 Line North: 28473714.9274 East : 612486.4328 Line Course: S 43-28-06 E Length: 0.00 North: 28473714.9274 East : 612486.4328 Perimeter: 412.03 Area: 10,309 S.F. 0.237 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0047 Course: S 44-02-34 W Error North: -0.00339 East : -0.00328 Precision 1: 87,665.96 Parcel name: Lot 76 East : 612433.8827 North: 28473875.3134 Line Course: N 48-15-09 W Length: 25.00 North: 28473891.9596 East : 612415.2306 Line Course: S 41-44-51 W Length: 63.60 North: 28473844.5085 East : 612372.8826 Line Course: S 48-15-09 E Length: 111.00 North: 28473770.5992 East : 612455.6982 Course: N 41-44-51 E Length: 63.60 Line North: 28473818.0503 East : 612498.0462 Line Course: N 48-15-09 W Length: 86.00 North: 28473875.3134 East : 612433.8827 Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Course: S 90-00-00 E Error Closure: 0.0000 Error North: 0.00000 East : 0.00000 Precision 1: 349,200,000.00

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Phase 3.txt

Parcel name: Lot 77 North: 28473844.5086 East : 612372.8825 Line Course: S 48-15-09 E Length: 111.00 North: 28473770.5993 East : 612455.6981 Line Course: S 41-44-51 W Length: 63.60 North: 28473723.1482 East : 612413.3501 Line Course: N 48-15-09 W Length: 111.00 North: 28473797.0575 East : 612330.5345 Course: N 41-44-51 E Length: 63.60 Line North: 28473844.5086 East : 612372.8825 Line Course: N 32-00-19 W Length: 0.00 North: 28473844.5086 East : 612372.8825 Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 349,200,000.00 Parcel name: Lot 78 North: 28473797.0575 East : 612330.5345 Line Course: S 48-15-09 E Length: 111.00 North: 28473723.1483 East : 612413.3501 Course: S 41-44-51 W Length: 63.60 Line North: 28473675.6972 East : 612371.0021 Line Course: N 48-15-09 W Length: 111.00 North: 28473749.6064 East : 612288.1865 Course: N 41-44-51 E Length: 63.60 Line North: 28473797.0575 East : 612330.5345 Course: N 01-47-24 W Length: 0.00 Line North: 28473797.0575 East : 612330.5345 Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 349,200,000.00

Parcel name: Lot 79

Phase 3.txt

.

North: 28473749.6065 Line Course: S 48-15-09 E Length: 111.00 North: 28473675.6972 Line Course: S 41-44-51 W Length: 63.60 North: 28473628.2461 Line Course: N 48-15-09 W Length: 111.00 North: 28473702.1554 Line Course: N 41-44-51 E Length: 63.60 North: 28473749.6065 Line Course: N 90-00-00 W Length: 0.00 North: 28473749.6065 Line Course: N 90-00-00 W Length:		
Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 349,200,000.00		
Parcel name: Lot 80		
North: 28473702.1554East : 612245.8384LineCourse: S 48-15-09 E Length: 111.00 North: 28473628.2462East : 612328.6539LineCourse: S 41-44-51 W Length: 63.60 North: 28473580.7951East : 612286.3059LineCourse: N 48-15-09 W Length: 111.00 North: 28473654.7043East : 612203.4903LineCourse: N 41-44-51 E Length: 63.60 North: 28473702.1554East : 612245.8384LineCourse: N 29-21-28 E Length: 0.00 North: 28473702.1554East : 612245.8384		
Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East : 0.00000 Precision 1: 349,200,000.00		
Parcel name: Lot 81		
North: 28473654.7044 East : 612203.4903 Line Course: S 41-44-51 W Length: 63.60 North: 28473607.2533 East : 612161.1423 Line Course: S 48-15-09 E Length: 111.00		

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Phase 3.txt North: 28473533.3440 East : 612243.9579 Line Course: N 41-44-51 E Length: 63.60 North: 28473580.7951 East : 612286.3059 Line Course: N 48-15-09 W Length: 111.00 North: 28473654.7044 East : 612203.4903 Course: N 48-21-59 W Length: 0.00 Line North: 28473654.7044 East : 612203.4903 Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0000 Course: S 90-00-00 E Error North: 0.00000 East: 0.00000 Precision 1: 349,200,000.00 Parcel name: Street Dedication North: 28472369.4166 East : 613949.2330 Line Course: S 48-15-09 E Length: 60.00 North: 28472329.4656 East : 613993.9982 Course: S 41-44-51 W Length: 226.15 Line North: 28472160.7382 East : 613843.4164 Curve Length: 23.56 Radius: 15.00 Delta: 90-00-00 Tangent: 15.00 Chord: 21.21 Course: S 03-15-09 E Course In: S 48-15-09 E Course Out: S 41-44-51 W RP North: 28472150.7504 East : 613854.6077 End North: 28472139.5592 East : 613844.6200 Line Course: S 48-15-09 E Length: 188.81 North: 28472013.8402 East : 613985.4886 Curve Length: 23.56 Radius: 15.00 Delta: 90-00-00 Tangent: 15.00 Chord: 21.21 Course: N 86-44-51 E Course In: N 41-44-51 E Course Out: \$ 48-15-09 E RP North: 28472025.0315 East : 613995.4763 End North: 28472015.0437 East : 614006.6676 Line Course: N 41-44-51 E Length: 63.08 North: 28472062.1069 East : 614048.6694 Length: 17.45 Radius: 20.00 Curve Delta: 49-59-41 Tangent: 9.33 Chord: 16.90 Course: N 16-45-01 E Course In: N 48-15-09 W Course Out: N 81-45-10 E RP North: 28472075.4239 East : 614033.7476 East : 614053.5408 End North: 28472078.2927 Curve Length: 244.34 Radius: 50.00 Delta: 279-59-23 Tangent: 41.96 Chord: 64.29 Course: S 48-15-09 E Course In: N 81-45-10 E Course Out: S 01-44-33 W RP North: 28472085.4650 East : 614103.0237 End North: 28472035.4881 East : 614101.5033 Page 21

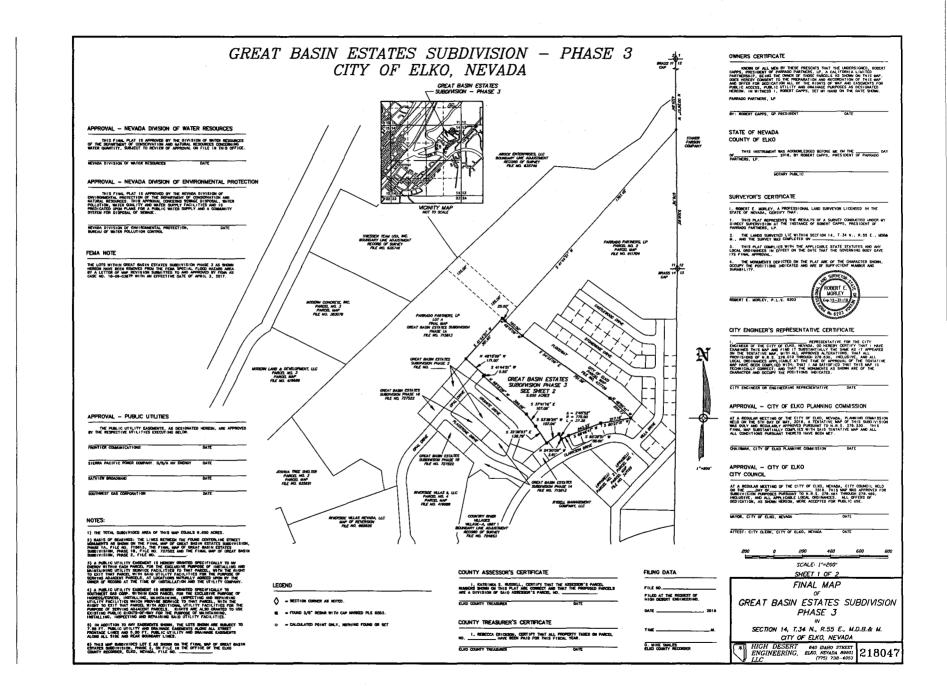
	Phase 3.txt	-
Curve Length: 17.4		
Delta: 49-59		
Chord: 16.90		
Course In: S 01-	-44-33 W Course Out:	
RP North: 2847:	2015.4973 East :	614100.8952
End North: 2847	2028.8143 East :	614085.9734
Line Course: S 41-4	44-51 W Length: 63.08	
North: 2847		614043.9717
Curve Length: 23.50		
Delta: 90-00		
Chord: 21.21		S 03-15-09 E
Course In: S 48-		S 41-44-51 W
RP North: 2847		614055.1630
End North: 28471		614045.1752
Line Course: S 48-1		
North: 2847		614117.2547
Curve Length: 73.73		
Delta: 5-07-		
Chord: 73.70		
Course In: S 41-	-44-51 W Course Out:	N 46-52-04 E
RP North: 2847.		613567.9291
End North: 2847		614169.9959
Curve Length: 23.29		15.00
Delta: 88-58		
Chord: 21.02		S 87-37-17 E
Course In: N 46-		S 42-06-37 E
RP North: 2847		614180.9426
	1843.8902 East :	614191.0010
Line Course: N 47-5		
	L923.5057 East :	
Curve Length: 10.93		
Delta: 31-18		
Chord: 10.79		N 32-14-22 E
Course In: N 42-		S 73-24-39 E
RP North: 28471		614265.6703
End North: 28471		614284.8378
Curve Length: 126.1		
Delta: 144-3	and the second	
Chord: 95.27		N 88-53-25 E
Course In: S 73-		N 71-11-28 E
RP North: 28471		614332.7566
End North: 28471		614380.0866
Curve Length: 10.93		
Delta: 31-18		
Chord: 10.79		S 34-27-33 E
Course In: N 71-		S 39-53-27 W
RP North: 28471		614399.0186
End North: 28471		614386.1921
	06-33 E Length: 70.10	C14400 0795
North: 28471		614439.9775
Curve Length: 17.45		
Delta: 49-59 Chord: 16.90	5	
Chora: 10.90		S 75-06-24 E
	Page 22	

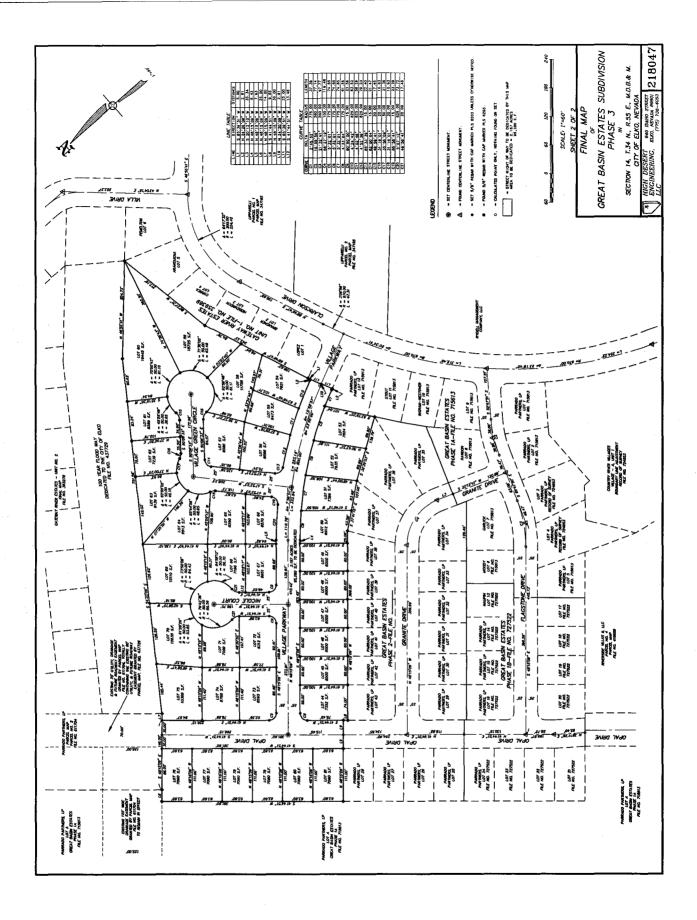
Phase 3.txt Course In: N 39-53-27 E Course Out: S 10-06-14 E East : 614452.8041 RP North: 28471895.9692 End North: 28471876.2794 East : 614456.3127 Curve Length: 244.34 Radius: 50.00 Delta: 279-59-22 Tangent: 41.96 Chord: 64.29 Course: S 39-53-27 W Course Out: S 89-53-08 W Course In: S 10-06-14 E RP North: 28471827.0548 East : 614465.0844 End North: 28471826.9549 East : 614415.0845 Radius: 20.00 Curve Length: 17.45 Delta: 49-59-41 Tangent: 9.33 Course: N 25-06-43 W Chord: 16.90 Course In: S 89-53-08 W Course Out: N 39-53-27 E East : 614395.0845 RP North: 28471826.9150 End North: 28471842.2603 East : 614407.9111 Line Course: N 50-06-33 W Length: 84.57 North: 28471896.4973 East : 614343.0233 Curve Length: 21.47 Radius: 15.00 Delta: 82-00-04 Tangent: 13.04 Chord: 19,68 Course: S 88-53-25 W Course Out: N 42-06-37 W Course In: S 39-53-27 W RP North: 28471884.9883 East : 614333.4033 End North: 28471896.1162 East : 614323.3450 Line Course: S 47-53-23 W Length: 135.59 North: 28471805.1950 East : 614222.7568 Curve Length: 22.40 Radius: 15.00 Delta: 85-33-39 Tangent: 13.88 Course: S 05-06-33 W Chord: 20.38 Course In: S 42-06-37 E Course Out: S 52-19-44 W RP North: 28471794.0671 East : 614232.8152 End North: 28471784.9002 East : 614220.9422 Curve Length: 192.01 Radius: 825.00 Delta: 13-20-07 Tangent: 96.44 Chord: 191.58 Course: S 31-00-12 E Course In: S 52-19-44 W Course Out: N 65-39-51 E RP North: 28471280.7196 East : 613567.9285 End North: 28471620.6891 East : 614319.6237 Line Course: S 24-20-09 E Length: 2.61 North: 28471618.3110 East : 614320.6992 Course: S 65-39-51 W Length: 50.00 Line North: 28471597.7068 East : 614275.1420 Course: N 24-20-09 W Length: 2.61 Line North: 28471600.0849 East : 614274.0664 Radius: 775.00 Curve Length: 323.50 Tangent: 164.14 Delta: 23-55-00 Chord: 321.16 Course: N 36-17-39 W Course In: S 65-39-51 W Course Out: N 41-44-51 E RP North: 28471280.7196 East : 613567.9285 End North: 28471858.9366 East : 614083.9615 Line Course: N 48-15-09 W Length: 365.42 North: 28472102.2512 East : 613811.3266 Curve Length: 23.56 Radius: 15.00 Delta: 90-00-00 Tangent: 15.00 Page 23

Phase 3.txt Chord: 21.21 Course: S 86-44-51 W Course In: S 41-44-51 W Course Out: N 48-15-09 W RP North: 28472091.0599 East : 613801.3389 End North: 28472101.0476 East : 613790.1476 Line Course: S 41-44-51 W Length: 75.45 North: 28472044.7554 East : 613739.9093 Course: N 48-15-09 W Length: 60.00 Line North: 28472084.7063 East : 613695.1441 Course: N 41-44-51 E Length: 381.60 Line North: 28472369.4129 East : 613949.2321 Line Course: S 32-00-19 E Length: 0.00 North: 28472369.4129 East : 613949.2321 Perimeter: 3501.57 Area: 95,280 S.F. 2.187 ACRES Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0038 Course: S 13-46-59 W Error North: -0.00367 East : -0.00090 Precision 1: 921,468.42 Parcel name: Total Area North: 28472443.3259 East : 613866.4175 Line Course: S 48-15-09 E Length: 185.00 North: 28472320.1438 East : 614004.4435 Course: S 54-33-09 E Length: 751.56 Line North: 28471884.2716 East : 614616.6998 Line Course: S 46-55-41 E Length: 204.73 North: 28471744.4581 East : 614766.2544 Line Course: S 80-27-31 W Length: 217.18 North: 28471708.4584 East : 614552.0789 Line Course: S 68-46-47 W Length: 243.33 North: 28471620.3840 East : 614325.2477 Course: S 65-39-51 W Length: 55.00 Line North: 28471597.7193 East : 614275.1346 Line Course: N 24-20-09 W Length: 2.61 North: 28471600.0974 East : 614274.0591 Radius: 775.00 Curve Length: 37.39 Tangent: 18.70 Delta: 2-45-52 Chord: 37.39 Course: N 25-43-05 W Course In: S 65-39-51 W Course Out: N 62-53-59 E RP North: 28471280.7321 East : 613567.9212 End North: 28471633.7828 East: 614257.8344 Line Course: S 53-39-25 W Length: 107.04 North: 28471570.3489 East : 614171.6155 Line Course: N 32-39-03 W Length: 138.79 North: 28471687.2064 East : 614096.7357 Line Course: N 37-41-16 W Length: 107.06 North: 28471771.9288 East : 614031.2837 Line Course: N 48-15-09 W Length: 399.06 Page 24

	Ph	ase 3.txt		
	North: 28472037.6426	East : 613733.5505		
Line	Course: N 41-44-51 E Length:	9.55		
	North: 28472044.7677	East : 613739.9093		
Line	Course: N 48-15-09 W Length:	: 171.00		
	North: 28472158.6279	East : 613612.3286		
Line	Course: N 41-44-51 E Length:	381.60		
	North: 28472443.3345	East : 613866.4166		
Perimeter: 3010.90 Area: 420,362 S.F. 9.650 ACRES				
Mapcheck Closure - (Uses listed courses, radii, and deltas) Error Closure: 0.0086 Course: N 06-12-57 W				

Error North: 0.00852 Precision 1: 350,104.65 East : -0.00093





# Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible approval for a grant of a utility, access, and maintenance easement on a portion of APN 001-673-003 to Sierra Pacific Power Company, a Nevada Corporation, dba NV Energy associated with utility service to an abutting private property, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: NEW BUSINESS
- 4. Time Required: **10 Minutes**
- 5. Background Information: A City-owned parcel separates the existing NV Energy power poles and a privately-owned parcel currently being developed. The requested easement is to provide power service to this developing parcel along with the ability for NV Energy to access and maintain the new service line. MR
- 6. Budget Information:

Appropriation Required: None Budget amount available: Fund name:

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Grant of Easement, Legal Description, and Map
- 9. Recommended Motion: Move to approve a grant of a utility, access, and maintenance easement on a portion of APN 001-673-003 to Sierra Pacific Power Company, a Nevada Corporation, dba NV Energy associated with utility service to an abutting private property.
- 10. Prepared by: Michele Rambo, AICP, Development Manager
- 11. Committee/Other Agency Review: Utility Director, City Engineer, Legal
- 12. Council Action:
- 13. Council Agenda Distribution: Jose Uribe

joseexpresslube@gmail.com

Robert Lino NV Energy 4216 Ruby Vista Drive Elko, NV 89801

Created on 05/17/2019

Council Agenda Action Sheet

### APN(s): 001-673-003

WHEN RECORDED MAIL TO: Land Resources NV Energy P.O. Box 10100 MS S4B20 Reno, NV 89520

### **GRANT OF EASEMENT**

CITY OF ELKO, a municipal corporation and political subdivision of the State of Nevada ("Grantor"), for One Dollar (\$1.00) and other good and valuable consideration – receipt of which is hereby acknowledged – and on behalf of itself and its successors and assigns, grants and conveys to Sierra Pacific Power Company, a Nevada corporation, d/b/a NV Energy ("Grantee") and its successors and assigns a perpetual right and easement:

- 1. to construct, operate, add to, modify, maintain and remove communication facilities and electric line systems for the distribution and transmission of electricity above ground and underground, consisting of poles, other structures, wires, cables, bollards, pole-mounted transformers, anchors, guys and other equipment, fixtures, apparatus, and improvements ("Utility Facilities"), and service boxes/meter panels, cabinets, bollards, and other equipment, fixtures, apparatus, and improvements ("Additional Utility Facilities") upon, over, under and through the property legally described in Exhibit A attached hereto and by this reference made a part of this Grant of Easement ("Easement Area");
- 2. for ingress and egress to, from, over and across the Easement Area for the allowed purposes defined in numbered paragraph 1 above and for all other activities permitted by this agreement;
- 3. to remove, clear, cut or trim any obstruction or material (including trees, other vegetation and structures) from the surface or subsurface of the Easement Area as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the Utility Facilities or the Additional Utility Facilities within the Easement Area.

Grantee will be responsible for any damages, proximately caused by Grantee negligently constructing, operating, adding to, maintaining, or removing the Utility Facilities and/or the Additional Utility Facilities, to any tangible, personal property or improvements owned by Grantor and located on the Easement Area on the date Grantor signs the Grant of Easement.

Grantor covenants for the benefit of Grantee, its successors and assigns, that no building, structure or other real property improvements will be constructed or placed on or within the Easement Area without the prior written consent of Grantee, such structures and improvements to include, but not be limited to, drainage, trees, bridges, signage, roads, fencing, storage facilities, parking canopies, and other covered facilities. Grantee and Grantor must document Grantee's consent by both signing Grantee's standard, recordable use agreement. Grantor retains, for its benefit, the right to maintain, use and otherwise landscape the Easement Area for its own purposes; provided, however, that all such purposes and uses do not interfere with Grantee's rights herein and are in all respects consistent with the Grantee's rights herein, Grantee's electrical practices, and the National Electrical Safety Code. Grantee may use this easement to provide service to any of its customers.

To the fullest extent permitted by law, Grantor and Grantee waive any right each may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Grant of Easement. Grantor and Grantee further waive any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

[signature page follows]

2

## **GRANTOR**:

CITY OF ELKO

SIGNATURE			
Ву:			
PRINT NAME			
Title:			
STATE OF	_ )		
STATE OF	) ss. )		
This instrument was acknowledged before r	ne on	, 2019 by	as
of CITY OF ELKO.			

Signature of Notarial Officer

Notary Seal Area  $\rightarrow$ 

### EXHIBIT "A" LEGAL DESCRIPTION EASEMENT AREA (APN: 001-873-003)

All that certain real property located within a portion of the North One Half (N1/2) of Section 21, Township 34 North, Range 55 East, Mount Diablo Meridian, City of Elko, Elko County, Nevada, further described as a portion of Parcel 2 of Parcel Map File No. 494886, Recorded on February 10, 2003, in the Official Records of Elko County, Nevada and more particularly described as follows:

COMMENCING at the northeast property corner of said Parcel 2 of Parcel Map File No. 494886, being a found 5/8" Rebar and Brass Tag PLS 3535 as shown on said Parcel Map;

THENCE departing said northeast property corner and along the northerly parcel Line of said Parcel 2 also being the Southerly Railroad Right Of Way, South 68*12*17" West a distance of 200.67 feet to THE POINT OF BEGINNING;

THENCE departing said northerly parcel line of said Parcel 2, South 64*56*31* East a distance of 114.88 feet, to the northerly parcel line of Parcel 1 of said Parcel Map File No. 494888;

THENCE along said northerly parcel line of said Parcel 1, South 53°30'30" West a distance of 11.37 feet;

THENCE departing said northerly Parcel 1 line, North 64*56'31" West a distance of 118.84 feet to the aforementioned northerly parcel line of said Parcel 2;

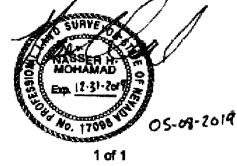
THENCE along the northerly parcel line of said Parcel 2, North 68°12'17" East a distance of 13.71 feet; to THE POINT OF BEGINNING.

Containing 1,169 square feet of land, more or less.

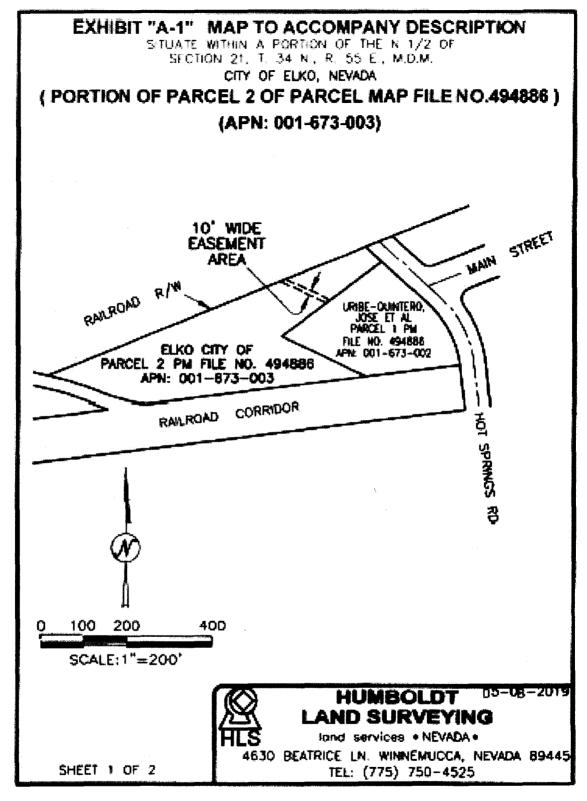
The BASIS OF BEARINGS is identical to that as shown of the aforementioned Parcel Map File No. 494888, in the Official Records of Elko County, Nevada.

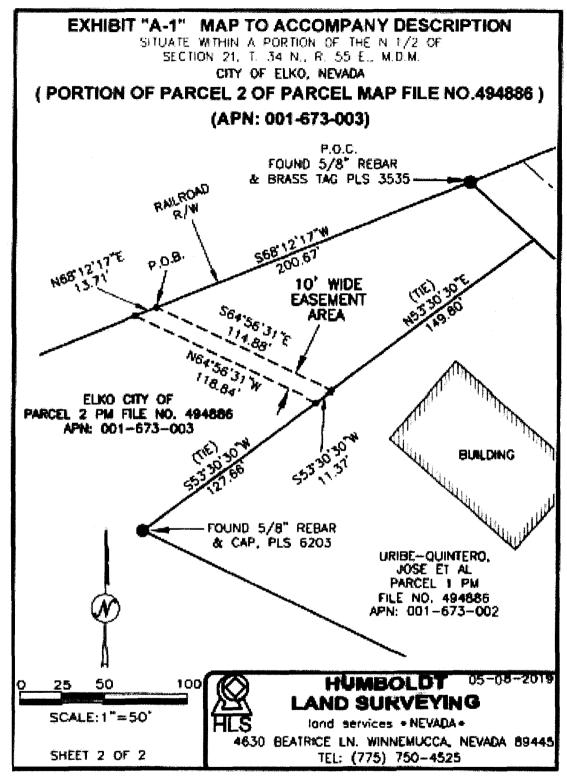
See Exhibit "A-1", map to accompany description, attached pereto and made a part hereof.

Prepared by: Humboldt Land Surveying (776) 750-4525 4830 Beatrice Ln, Winnemucca, NV 89445



Nasser H. Mohamad P.L.S. 17098





Notwithstanding the foregoing, with respect to the Utility Facilities, Easement Area shall be reduced to an area ten (10) feet in width, being five (5) feet on each side of the centerline of the Utility Facilities after same are installed in connection with Sierra Pacific Power Company Project ID 3003498185. The easement area around any Additional Utility Facilities shall be reduced to three (3) feet in all directions around the perimeter of the Additional Utility Facilities, as originally installed in connection with Sierra Pacific Power Company Project ID 3003498185.





## Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible approval of the First Amendment to Contract of Purchase and Sale, between Bailey & Associates, LLC and City of Elko, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: NEW BUSINESS
- 4. Time Required: **5 Minutes**
- 5. Background Information: Bailey & Associates was the only bidder at the public auction for the sale of APN 001-066-005. Staff, as well as Elko County Assessor's Office, has since determined that the title to the property does not contain a needed right-of-way dedication. With this amendment, Bailey & Associates LLC will be agreeing to dedicate the northeasterly 10' of Lot 1 to the City of Elko after the purchase of the property. CL
- 6. Budget Impact Statement:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: First Amendment to Contract of Purchase and Sale
- 9. Recommended Motion: Move to approve First Amendment to the Contract of Purchase and Sale between Bailey & Associates and City of Elko.
- 10. Prepared By: Cathy Laughlin, City Planner
- 11. Committee/Other Agency Review: N/A
- 12. Council Action:
- 13. Council Agenda Distribution: Jon Bailey jbaileype@gmail.com

## FIRST AMENDMENT TO CONTRACT OF PURCHASE AND SALE

### THIS FIRST AMENDMENT TO CONTRACT OF PURCHASE AND SALE

(hereinafter "First Amendment") made and entered into this _____ day of ______, 2019, by and between **BAILEY & ASSOCIATES, LLC**, a Nevada Limited Liability Company, hereinafter called "Buyer," and the **CITY OF ELKO**, a municipal corporation and body politic within the County of Elko, State of Nevada hereinafter called "Seller."

## RECITALS

WHEREAS, on April 9, 2019, the Parties entered into a Contract of Purchase and Sale for the following real property:

APN 001-066-005

A parcel of land in the City of Elko, Nevada, more particularly described as follows:

Lots 1 and 2 of Block 114 as shown on the Map of the First Addition, recorded in the office of the Elko County Recorder as File No. 5.

SUBJECT to any and all exceptions, reservations, restrictions, restrictive covenants, liens, encumbrances, assessments, easements, rights and rights-of-way existing or of record.

TOGETHER WITH all and singular tenements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof, or of any part thereof.

(Hereinafter the "Property").

WHEREAS, subsequently the Parties determined that certain public improvements, including a sidewalk, were constructed by the Seller on the Property prior to the dedication of a corresponding right-of-way, described at Exhibit "A" and shown on the map at Exhibit "B" (hereinafter the "Right-of-Way").

WHEREAS, pursuant to the Contract of Purchase and Sale, the purchase price of the Property is TWENTY THOUSAND, FIVE HUNDRED DOLLARS (\$20,500.00)

WHEREAS, the dedication of the **Right-of-Way** will not affect the purchase price or fair market value of the Property.

NOW, THEREFORE, for and in consideration of the above Recitals, the Parties hereby agree as follows:

1

1. <u>Dedication of Right-of-Way by Buyer</u>. The Buyer shall offer to dedicate the **Right-of-Way** to the City of Elko within ten (10) days of the close of sale of the Property.

2. <u>Acceptance of Dedication</u>. The dedication of the **Right-of-Way** is subject to acceptance by the Elko City Council.

3. Other Provisions to Remain in Effect. Except as modified by this First Amendment, the Contract of Purchase and Sale shall remain in full force and effect, and the Contract of Purchase and Sale, as modified by this First Amendment, is hereby ratified and confirmed by the Parties. In the event of a conflict between the terms of this First Amendment, and the terms of the Contract of Purchase and Sale, the terms of this First Amendment shall control. Defined terms used in this First Amendment which are not defined herein shall have the meanings set forth in the Contract of Purchase and Sale. This instrument may be executed in counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument.

### **SELLER:**

### **BUYER:**

**CITY OF ELKO** 

# **BAILEY & ASSOCIATES, LLC**

By: __

**REECE KEENER**, Mayor

(print name and title)

By:

**ATTEST:** 

KELLY WOOLDRIDGE, City Clerk

## Exhibit A

## **LEGAL DESCRIPTION**

An area of land within the northwest quarter of Section 15, Township 34 North, Range 55 East, which is the northeasterly 10 feet of Lot 1 of Block 114 of the Map of the First Addition to the Town of Elko, Elko County, Nevada, recorded in the office of the Elko County Recorder as file no. 5, and is further described as follows;

Beginning at the northerly most corner of said Lot 1 of Block 114 of the Map of the First Addition to the Town of Elko, which is also the southwesterly edge of the right-of-way of 8th Street, and the southeasterly edge of the right-of-way of Elm Street;

Thence, southeasterly, along the right-of-way of 8th Street, a distance of 100.00 feet, to the easterly most corner of said Lot 1 of Block 114 of the Map of the First Addition to the Town of Elko, which is along the northwesterly edge of the alley in the middle of said Block 114;

Thence, along said northwesterly edge of the alley, a distance of 10.00 feet;

Thence, northwesterly, on a line that is parallel to the right-of-way of 8th Street, a distance of 100.00 feet, to the southeasterly right-of-way of Elm Street;

Thence, along said southeasterly right-of-way of Elm Street, a distance of 10.00 feet, more or less, to the point of beginning.

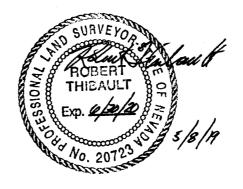
This area of land contains a total of ±1,000 square feet.

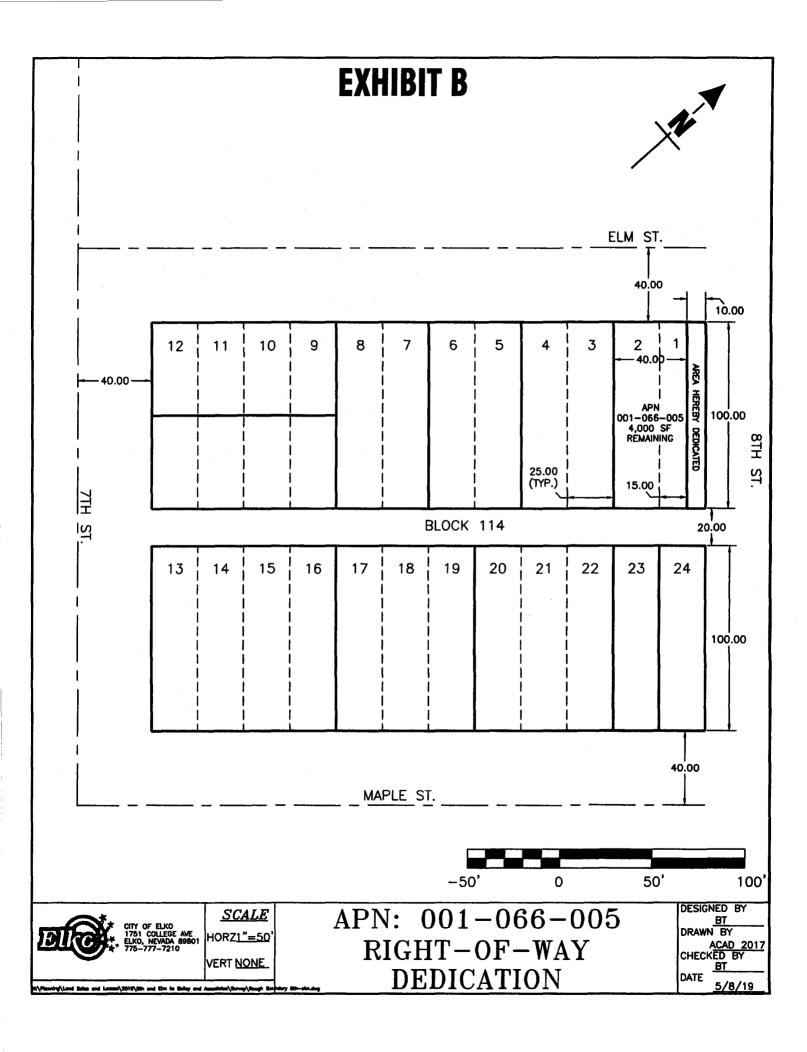
The Basis of bearings for this description is the Map of the First Addition to the Town of Elko, Elko County, Nevada, recorded in the office of the Elko County Recorder as file no. 5.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko





# Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible approval of a Performance/Maintenance Agreement for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: NEW BUSINESS
- 4. Time Required: **10 Minutes**
- 5. Background Information: Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. As part of the conditions of approval the Planning Commission recommended that the agreement be approved by the City Council. The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. MR
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Performance/Maintenance Agreement
- 9. Recommended Motion: Approve the Performance/Maintenance Agreement for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision. The subdivider shall enter into the agreement within 30 days OR table this item if no action is taken on the associated Final Map.
- 10. Prepared By: Michele Rambo, AICP, Development Manager
- 11. Committee/Other Agency Review: Dave Stanton, City Attorney
- 12. Council Action:
- 13. Council Agenda Distribution: **Robert Capps** robertcapps@cappshomes.com

### AGREEMENT TO INSTALL IMPROVEMENTS

### AND PROVIDE MAINTENANCE GUARANTY

THIS AGREEMENT made and entered into this ______ day of _______, 2019, by and between the CITY OF ELKO, a municipal corporation organized and existing under the laws of the State of Nevada, hereinafter referred to as the "City," and Parrado Partners, LP, a California Limited Partnership, hereinafter referred to as "Developer."

### RECITALS

- A. WHEREAS, Developer is subdividing certain property within the City, the subdivision being generally known as Great Basin Estates, Phase 3, into thirty-eight (38) separate parcels by means of a subdivision map, identified by the City as Subdivision Map No. 11 -18;
- **B.** WHEREAS, Elko City Code, Title 3, Chapter 3, requires that a developer of a subdivision (as that term is used in NRS 278.320(1)) enter into an Agreement to Install Improvements;
- C. WHEREAS, the City has approved the Engineer's Cost Estimate for the required subdivision improvements (set forth in Exhibit A and made a part hereof) and has determined that the cost of the required subdivision improvements is expected to be in the amount of Seven Hundred Seventy-Six Thousand, Three Hundred Sixty-Nine Dollars and Twenty-Five Cents (\$776,369.25), which amount provides the basis for calculating the amount of the Maintenance Guaranty;
- **D. WHEREAS**, the Developer intends to complete the required subdivision improvements with its own resources pursuant to Elko City Code Section 3-3-21(A)(3)(a) and 3-3-22(A)(1), and in conformity with the construction plans approved by the City (attached at **Exhibit B** and made a part hereof) prior to certification of the final map;
- E. WHEREAS, Elko City Code 3-3-21(A)(4) requires that all subdivision improvements identified in the agreement to install improvements shall be completed within a specified period, not to exceed two (2) years, to the satisfaction of the City;

F. WHEREAS, the City approved the Final Map on _____;

- G. WHEREAS, pursuant to Elko City Code Section 3-3-22(B)(3), the Developer shall file with the Clerk of the City a maintenance guaranty to ensure the maintenance, adequacy and condition of all improvements required by this Agreement for a period of one (1) year after the subdivision improvements are accepted by the City. The maintenance guaranty may be in any form permitted in Section 3-3-22(B)(1) for a performance guaranty and shall be in the amount of Seventy-Seven Thousand, Six Hundred Thirty-Six Dollars and Ninety-Three Cents (\$77,636.93) (hereinafter referred to as the "Maintenance Guaranty");
- **H.** WHEREAS, in the event the Developer fails to complete all the required subdivision improvements in accordance with the terms of this Agreement, the Developer shall be in default of this Agreement and the City shall be entitled to pursue all available legal remedies.
- I. NOW, THEREFORE, for and in consideration of the mutual covenants and conditions on the part of the respective parties to be performed, the parties hereby agree as follows:

## 1) <u>REQUIRED IMPROVEMENTS, CERTIFICATION, MAINTENANCE GUARANTY, AND ACCEPTANCE AND</u> <u>CERTIFICATION OF THE FINAL MAP</u>

A. <u>COMPLETION OF WORK AND MAINTENANCE GUARANTY.</u> Developer agrees to complete the improvements shown on the construction plans attached as Exhibit B hereto in the manner set forth in this Agreement and in conformity with Elko City Code 3-3-21(A)(4) (hereinafter the "Work") within twenty-four (24) months of the Effective Date, unless otherwise extended in accordance herewith, and Developer shall pay or cause to be paid all claims for labor and materials used to perform the Work.

### B. ENGINEER'S ESTIMATE, CERTIFICATION AND SUBMISSION OF WORK.

1) Developer agrees to, at its own expense, contract with a licensed engineer in the State of Nevada to oversee the construction of the subdivision improvements, oversee all required testing and verification of materials to ensure construction of the subdivision improvements in accordance with all federal, state and local requirements and provide an engineer's estimate, which must be approved by the City. The total engineer's estimate must be an amount no less than the full cost of the following improvements: (a) improvements required under Section 3-3-20 of the Elko City Code; (b) improvements shown on the construction plans prepared and approved in accordance with Section 3-3-18 of the Elko City Code; (c) the cost of required inspection and testing by a properly licensed engineer to oversee the quality assurance and quality control necessary to ensure certification for the construction of the approved construction plans; (d) the cost to replace any existing streets, utilities or other improvements that are included in the required improvements as shown on the construction plans; (e) the cost to prepare the as-built drawings and any associated documents; and (f) incidental expenses associated with the foregoing Work.

2) The Work shall be certified by the Developer's Engineer (who shall be a registered engineer, licensed in the State of Nevada) and submitted to the City for possible acceptance of the Work before the City conducts the subdivision final inspection and no later than twenty-four (24) months after the Effective Date. Upon certification of the Work, the Developer's Engineer shall provide the City with a certificate attesting to the adequacy of 'the Work and compliance with all requirements set forth in this Agreement, to include, without limitation, the construction specifications, codes and standards set forth in the Orange Book.

3) The certification by the **Developer's** engineer shall include: (a) the results of all required testing, presented in an organized manner by material type and category of work; (b) references to the sections of the Orange Book that correspond to the required testing for the material type and category of work; (c) the frequency of the required testing; (d) photo documentation for any components of the **Work** which cannot be certified by testing (i.e. special construction of utility crossings); and (e) an "as-built" drawing of the **Work**.

4) The City Council shall not accept the **Work** without a complete and comprehensive certification of the **Work** by the **Developer's** engineer.

- C. MAINTENANCE PERIOD. Notwithstanding the Term of this Agreement, the maintenance period shall commence on the date the City Council accepts the Work and shall continue thereafter for a period of twelve (12) months. In satisfaction of its requirement to provide a Maintenance Guaranty, Developer shall, prior to acceptance of the Work, in conformance with Elko City Code 3-3-22(B)(3), provide the City with a Maintenance Guaranty in a form that complies with Elko City Code Section 3-3-22(B) in the amount of Seventy-Seven Thousand, Six Hundred Thirty-Six Dollars and Ninety-Three Cents (\$77,636,93), which amount is not less than ten percent (10%) of the total cost of the required subdivision improvements. If maintenance is required during the maintenance period, the City will provide fifteen (15) calendar days' written notice of the required maintenance work to the **Developer** and the **Developer** must thereafter complete the required maintenance work. If the **Developer** fails to complete the maintenance work within the fifteen (15) calendar day period, without limiting any other rights or remedies available, the **City** may complete or have the maintenance work completed and use the Maintenance Guaranty to satisfy the costs thereof. The certification of the Final Map is, without limitation, conditioned upon **Developer** providing the Maintenance Guaranty.
- **D. <u>CERTIFICATION OF FINAL MAP.</u>** The **City** will not certify the Final Map until:
  - 1) The Agreement has been approved by the City Council in conjunction with Final Map approval;
  - 2) The Agreement has been fully executed and filed with the City Clerk's office;
  - 3) The Developer has completed the Work as required under the Agreement;
  - 4) The Developer has filed with the Elko City Clerk the Maintenance Guaranty, calculated in the manner set forth herein and otherwise meeting the requirements of this Agreement and the Elko City Code;
  - 5) The City Council has accepted the subdivision improvements;
  - 6) The Developer has acquired all other jurat certifications required by the Nevada Revised Statutes, the Elko City Code and this Agreement; and
  - 7) All other Final Map requirements set forth in the Nevada Revised Statutes and the Elko City Code have been met.

### **<u>E.</u> <u>EFFECTIVE DATE</u>**. The Effective Date of this Agreement shall be

_____, which is the date the **City** approved the Final Map, and this Agreement shall operate retroactively to that date, except where otherwise specifically stated herein.

F. TERM. The Term of this Agreement shall be twenty-four (24) months from the Effective Date, unless the Work is completed and accepted by the City prior to the expiration of the foregoing twenty-four (24) month period, in which event the Term shall expire on the date the Work is accepted by the City. Notwithstanding the foregoing, the City may, upon a written request and showing by the Developer of good cause, grant an extension of time to complete the Work for an additional twelve (12) months thereafter (with a corresponding extension of the Term); *provided*, no such extension shall be given unless: (a) the **Developer** has satisfactorily performed its duties under this Agreement to date; (b) the **Developer** has diligently and in good faith attempted to complete the **Work** within the aforementioned twenty-four (24) month period, but has been unable to do so due to events beyond the **Developer's** control; and (c) the Maintenance Guaranty has been provided to the Elko City Clerk.

- <u>G.</u> <u>DESCRIPTION OF WORK AND CONDITIONS.</u> In addition to any other requirements contained herein, the **Work** shall not be accepted by the **City** unless the **Developer** fully satisfies the following requirements:
  - (1) COMPLIANCE WITH CITY CODE. Developer shall perform the Work in a manner that fully complies with the Elko City Code.
  - (2) STANDARDS. The Work shall be completed in accordance with the plans, specifications and conditions approved by the City and in accordance with requirements otherwise set forth in this Agreement, to include requirements incorporated by reference.
  - (3) PRECONSTRUCTION CONFERENCE. Prior to the initiation of the construction of any roadway, drainage, water or sewer improvements included in the Work, the Developer shall schedule and participate in a preconstruction conference with Developer's contractor(s) and the City Development Manager or the City's designee(s).
  - (4) AS-BUILT PLANS. Developer shall provide complete as-built drawings of all street, water, sewer and drainage improvements to the City prior to the subdivision final inspection.
  - (5) SUBDIVISION CONDITIONS. Developer shall satisfy all subdivision approval conditions established by or at the direction of the City Council and/or the City Planning Commission.
  - (6) ENGINEER'S CERTIFICATE. Before the subdivision final inspection, Developer's engineer (who shall be a registered engineer, licensed in the State of Nevada) shall provide the City with a certificate certifying the adequacy of the Work and compliance with all requirements set forth in this Agreement, to include, without limitation, City standard construction specifications, codes and standards.
- <u>FINAL COMPLETION AND ACCEPTANCE OF WORK.</u> Approval of the final completion and acceptance of the Work shall be at the discretion of the City. The Work shall not be accepted unless and until it satisfies the requirements of this Agreement, to include the conditions set forth in Section 1 (REQUIRED IMPROVEMENTS, CERTIFICATION, MAINTENANCE GUARANTY, ACCEPTANCE AND CERTIFICATION OF THE FINAL MAP</u>).
   Developer shall request that the City inspect the Work no later than thirty (30) days prior to the end of the Term. The City shall have the authority to suspend the Work, in whole or in part, for such period as it may deem necessary due to unsuitable weather or other unfavorable conditions or the failure of Developer to comply with the requirements

contained in this Agreement, to include compliance with the standard construction specifications of the **City**.

I. DEFAULT, NOTICE AND OPPORTUNITY TO CURE. In the event Developer fails to complete the Work during the Term of this Agreement or any extension hereof, the Developer shall be considered in Default. Upon discovery of the Default, the City shall serve upon the Developer written notice of such Default. Developer shall then have fifteen (15) days from the date of mailing of said notice in which to cure the Default. In the event of a Default, should the Developer fail to cure the Default within fifteen (15) days from the date of notice, the City shall then have the right to complete the Work, to include, without limitation, payment of all third-party claims for labor and material, after which the Developer shall be liable to the City for all costs incurred in completing the Work, such amount to be due and payable within thirty (30) days of receipt of an itemized invoice from the City for the costs shown on the foregoing invoice, the City may thereafter exercise all rights and remedies available at law and equity.

### **2. GENERAL TERMS AND CONDITIONS.**

- A. <u>WARRANTY</u>. Developer warrants to the City that the Work, upon completion, will be free of defects and in conformity with all applicable standards, to include requirements of the Elko City Code and any plans approved by the City pertaining to the Work.
- B. <u>TERMINATION, BINDING EFFECT, DELEGATION AND OTHER MATTERS.</u> This Agreement may not be amended, modified or terminated except by an agreement in writing and approved by the **Developer** and the Elko City Council. This Agreement and all of the covenants, terms, conditions and/or provisions herein contained shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Notwithstanding any other provision contained in this Agreement, neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any party without the prior written consent of the other party. This Agreement is not intended to confer any rights or benefits to any entity other than to the **City** and to **Developer**; accordingly, there are no third-party beneficiaries to this Agreement.
- C. <u>CONSTRUCTION OF AGREEMENT.</u> This Agreement constitutes a contract under and shall be construed in accordance with the laws of the State of Nevada. Both parties have had the opportunity to review this Agreement with the assistance of legal counsel Accordingly, the parties agree that the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
- D. <u>COUNTERPARTS.</u> This Agreement may be executed in one or more counterparts, each of which shall have the force and effect of an original, and all of which shall constitute but one document.
- E. <u>NOTICES.</u> All notices required to be given under this Agreement shall be deemed given upon the earlier of the actual receipt or two (2) days after being mailed by registered or certified mail, return receipt requested, addressed as follows: if to City, to c/o Michele Rambo, (or the then-current) Development Manager, 1751 College Avenue, Elko, Nevada 89801; if to Developer, to: Robert Capps, Parrado Partners, LP, 12257 Business Park Drive #1, Truckee, CA 96161.

- F. <u>CITY'S AUTHORITY</u>. This Agreement is not intended to supersede the authority granted by law to the **City**. Therefore, nothing in this Agreement shall be construed or implied to require the **City's** planning or other regulatory boards or departments (however designated) to approve any plans, permits, maps or other documents pertaining to any aspect of the **Work** or other action described in this Agreement.
- G. TIME OF THE ESSENCE. Time is of the essence and a material provision of this Agreement.
- H. INDEMNIFICATION. Developer hereby agrees to hold harmless, indemnify and defend the City (including, without limitation, the City's officers, agents and employees) against and to all claims, demands, actions, suits, liability, cost and expense, including defense expenses, (to include, without limitation, suits for damages and injuries to persons or property) that are claimed to have resulted from the acts or omissions of Developer (including without limitation its agents, employees and/or contractors) in any manner pertaining to the Work.
- 1. <u>JURISDICTION AND VENUE</u>. The District Court for the Fourth Judicial District, in and for the County of Elko, State of Nevada, shall have jurisdiction and venue over all disputes arising from or in relation to this Agreement.
- J. <u>INTEGRATION.</u> This Agreement represents and contains the entire Agreement and understanding among the parties with respect to the subject matter of this Agreement and supersedes and replaces all prior oral and written agreements and understandings with respect to the subject matter of this Agreement, and no representation, warranty, condition, understanding or agreement of any kind with respect to the subject matter hereof shall be relied upon by the parties unless incorporated herein. This Agreement shall be construed as a complete novation of any prior agreements relating to the subject matter of this Agreement.
- K. <u>DOCUMENTS PROVIDED TO CITY ARE PUBLIC.</u> This Agreement, together with any documents associated with the Work, may be recorded in any public system of records, to include the records of the Elko County Recorder. Under no circumstances shall **Developer** assert a right to confidentiality or an intellectual property interest in documents or other information provided to the City in relation to the Work.
- L. <u>ATTORNEY FEES.</u> In the event the **City** is required to pursue any action to enforce any term or condition in this Agreement, it shall be entitled to reasonable attorney's fees and court costs.
- M. <u>SEVERABILITY</u>. In the event one or more of the provisions, or portions thereof, of this Agreement is determined to be illegal or unenforceable, the remainder of the Agreement shall not be affected thereby and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.
- N. <u>HEADINGS.</u> The headings of sections and subsections of this Agreement are inserted for convenience only and shall not be deemed to constitute part of this Agreement or to affect the construction hereof.
- **O.** <u>NO AGENCY, PARTNERSHIP OR JOINT VENTURE.</u> Nothing herein contained shall be construed to create an agency, partnership or joint venture between the parties.
- P. <u>REMEDIES NOT EXCLUSIVE</u>. No remedy provided by this Agreement, to include the right to make a claim against a bond or other guaranty, shall be exclusive. The **City** shall have the

right to pursue any remedies provided under this Agreement, or by law or equity, simultaneously or in sequence at its sole discretion.

**IN WITNESS WHEREOF**, the parties have executed this Agreement in duplicate the day and year first above written.

**CITY - THE CITY OF ELKO,** a municipal corporation

DEVELOPER – PARRADO PARTNERS, LP

By: ____

**REECE KEENER**, Mayor

Ву:_____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

EXHIBIT A

# AGREEMENT TO INSTALL IMPROVEMENTS

## AND PROVIDE MAINTENANCE GUARANTY

THIS AGREEMENT made and entered into this ______ day of _______, 2019, by and between the CITY OF ELKO, a municipal corporation organized and existing under the laws of the State of Nevada, hereinafter referred to as the "City," and Parrado Partners, LP, a California Limited Partnership, hereinafter referred to as "Developer."

# RECITALS

- A. WHEREAS, Developer is subdividing certain property within the City, the subdivision being generally known as Great Basin Estates, Phase 3, into thirty-eight (38) separate parcels by means of a subdivision map, identified by the City as Subdivision Map No. 11 -18;
- **B.** WHEREAS, Elko City Code, Title 3, Chapter 3, requires that a developer of a subdivision (as that term is used in NRS 278.320(1)) enter into an Agreement to Install Improvements;
- C. WHEREAS, the City has approved the Engineer's Cost Estimate for the required subdivision improvements (set forth in Exhibit A and made a part hereof) and has determined that the cost of the required subdivision improvements is expected to be in the amount of Seven Hundred Seventy-Six Thousand, Three Hundred Sixty-Nine Dollars and Twenty-Five Cents (\$776,369.25), which amount provides the basis for calculating the amount of the Maintenance Guaranty;
- **D. WHEREAS**, the Developer intends to complete the required subdivision improvements with its own resources pursuant to Elko City Code Section 3-3-21(A)(3)(a) and 3-3-22(A)(1), and in conformity with the construction plans approved by the City (attached at **Exhibit B** and made a part hereof) prior to certification of the final map;
- E. WHEREAS, Elko City Code 3-3-21(A)(4) requires that all subdivision improvements identified in the agreement to install improvements shall be completed within a specified period, not to exceed two (2) years, to the satisfaction of the City;
- F. WHEREAS, the City approved the Final Map on _____;
- G. WHEREAS, pursuant to Elko City Code Section 3-3-22(B)(3), the Developer shall file with the Clerk of the City a maintenance guaranty to ensure the maintenance, adequacy and condition of all improvements required by this Agreement for a period of one (1) year after the subdivision improvements are accepted by the City. The maintenance guaranty may be in any form permitted in Section 3-3-22(B)(1) for a performance guaranty and shall be in the amount of Seventy-Seven Thousand, Six Hundred Thirty-Six Dollars and Ninety-Three Cents (\$77,636.93) (hereinafter referred to as the "Maintenance Guaranty");
- H. WHEREAS, in the event the Developer fails to complete all the required subdivision improvements in accordance with the terms of this Agreement, the Developer shall be in default of this Agreement and the City shall be entitled to pursue all available legal remedies.
- I. NOW, THEREFORE, for and in consideration of the mutual covenants and conditions on the part of the respective parties to be performed, the parties hereby agree as follows:

# 1) <u>REQUIRED IMPROVEMENTS, CERTIFICATION, MAINTENANCE GUARANTY, AND ACCEPTANCE AND</u> <u>CERTIFICATION OF THE FINAL MAP</u>

A. <u>COMPLETION OF WORK AND MAINTENANCE GUARANTY.</u> Developer agrees to complete the improvements shown on the construction plans attached as **Exhibit B** hereto in the manner set forth in this Agreement and in conformity with Elko City Code 3-3-21(A)(4) (hereinafter the "Work") within twenty-four (24) months of the Effective Date, unless otherwise extended in accordance herewith, and Developer shall pay or cause to be paid all claims for labor and materials used to perform the Work.

### B. ENGINEER'S ESTIMATE, CERTIFICATION AND SUBMISSION OF WORK.

**1) Developer** agrees to, at its own expense, contract with a licensed engineer in the State of Nevada to oversee the construction of the subdivision improvements, oversee all required testing and verification of materials to ensure construction of the subdivision improvements in accordance with all federal, state and local requirements and provide an engineer's estimate, which must be approved by the City. The total engineer's estimate must be an amount no less than the full cost of the following improvements: (a) improvements required under Section 3-3-20 of the Elko City Code; (b) improvements shown on the construction plans prepared and approved in accordance with Section 3-3-18 of the Elko City Code; (c) the cost of required inspection and testing by a properly licensed engineer to oversee the quality assurance and quality control necessary to ensure certification for the construction of the approved construction plans; (d) the cost to replace any existing streets, utilities or other improvements that are included in the required improvements as shown on the construction plans; (e) the cost to prepare the as-built drawings and any associated documents; and (f) incidental expenses associated with the foregoing **Work**.

2) The Work shall be certified by the Developer's Engineer (who shall be a registered engineer, licensed in the State of Nevada) and submitted to the City for possible acceptance of the Work before the City conducts the subdivision final inspection and no later than twenty-four (24) months after the Effective Date. Upon certification of the Work, the Developer's Engineer shall provide the City with a certificate attesting to the adequacy of the Work and compliance with all requirements set forth in this Agreement, to include, without limitation, the construction specifications, codes and standards set forth in the Orange Book.

3) The certification by the **Developer's** engineer shall include: (a) the results of all required testing, presented in an organized manner by material type and category of work; (b) references to the sections of the Orange Book that correspond to the required testing for the material type and category of work; (c) the frequency of the required testing; (d) photo documentation for any components of the **Work** which cannot be certified by testing (i.e. special construction of utility crossings); and (e) an "as-built" drawing of the **Work**.

**4)** The City Council shall not accept the **Work** without a complete and comprehensive certification of the **Work** by the **Developer's** engineer.

- **C.** MAINTENANCE PERIOD. Notwithstanding the Term of this Agreement, the maintenance period shall commence on the date the City Council accepts the Work and shall continue thereafter for a period of twelve (12) months. In satisfaction of its requirement to provide a Maintenance Guaranty, Developer shall, prior to acceptance of the Work, in conformance with Elko City Code 3-3-22(B)(3), provide the City with a Maintenance Guaranty in a form that complies with Elko City Code Section 3-3-22(B) in the amount of Seventy-Seven Thousand, Six Hundred Thirty-Six Dollars and Ninety-Three Cents (\$77,636.93), which amount is not less than ten percent (10%) of the total cost of the required subdivision improvements. If maintenance is required during the maintenance period, the City will provide fifteen (15) calendar days' written notice of the required maintenance work to the Developer and the Developer must thereafter complete the required maintenance work. If the **Developer** fails to complete the maintenance work within the fifteen (15) calendar day period, without limiting any other rights or remedies available, the **City** may complete or have the maintenance work completed and use the Maintenance Guaranty to satisfy the costs thereof. The certification of the Final Map is, without limitation, conditioned upon **Developer** providing the Maintenance Guaranty.
- **D. CERTIFICATION OF FINAL MAP.** The **City** will not certify the Final Map until:
  - 1) The Agreement has been approved by the City Council in conjunction with Final Map approval;
  - 2) The Agreement has been fully executed and filed with the City Clerk's office;
  - 3) The Developer has completed the Work as required under the Agreement;
  - 4) The Developer has filed with the Elko City Clerk the Maintenance Guaranty, calculated in the manner set forth herein and otherwise meeting the requirements of this Agreement and the Elko City Code;
  - 5) The City Council has accepted the subdivision improvements;
  - 6) The **Developer** has acquired all other jurat certifications required by the Nevada Revised Statutes, the Elko City Code and this Agreement; and
  - 7) All other Final Map requirements set forth in the Nevada Revised Statutes and the Elko City Code have been met.

### E. EFFECTIVE DATE. The Effective Date of this Agreement shall be

_____, which is the date the **City** approved the Final Map, and this Agreement shall operate retroactively to that date, except where otherwise specifically stated herein.

F. TERM. The Term of this Agreement shall be twenty-four (24) months from the Effective Date, unless the Work is completed and accepted by the City prior to the expiration of the foregoing twenty-four (24) month period, in which event the Term shall expire on the date the Work is accepted by the City. Notwithstanding the foregoing, the City may, upon a written request and showing by the Developer of good cause, grant an extension of time to complete the Work for an additional twelve (12) months thereafter (with a corresponding

extension of the Term); *provided*, no such extension shall be given unless: (a) the **Developer** has satisfactorily performed its duties under this Agreement to date; (b) the **Developer** has diligently and in good faith attempted to complete the **Work** within the aforementioned twenty-four (24) month period, but has been unable to do so due to events beyond the **Developer's** control; and (c) the Maintenance Guaranty has been provided to the Elko City Clerk.

- <u>G.</u> <u>DESCRIPTION OF WORK AND CONDITIONS.</u> In addition to any other requirements contained herein, the Work shall not be accepted by the City unless the Developer fully satisfies the following requirements:
  - (1) COMPLIANCE WITH CITY CODE. Developer shall perform the Work in a manner that fully complies with the Elko City Code.
  - (2) STANDARDS. The Work shall be completed in accordance with the plans, specifications and conditions approved by the City and in accordance with requirements otherwise set forth in this Agreement, to include requirements incorporated by reference.
  - (3) PRECONSTRUCTION CONFERENCE. Prior to the initiation of the construction of any roadway, drainage, water or sewer improvements included in the Work, the Developer shall schedule and participate in a preconstruction conference with Developer's contractor(s) and the City Development Manager or the City's designee(s).
  - (4) AS-BUILT PLANS. Developer shall provide complete as-built drawings of all street, water, sewer and drainage improvements to the City prior to the subdivision final inspection.
  - (5) SUBDIVISION CONDITIONS. Developer shall satisfy all subdivision approval conditions established by or at the direction of the City Council and/or the City Planning Commission.
  - (6) ENGINEER'S CERTIFICATE. Before the subdivision final inspection, Developer's engineer (who shall be a registered engineer, licensed in the State of Nevada) shall provide the City with a certificate certifying the adequacy of the Work and compliance with all requirements set forth in this Agreement, to include, without limitation, City standard construction specifications, codes and standards.
- <u>FINAL COMPLETION AND ACCEPTANCE OF WORK.</u> Approval of the final completion and acceptance of the Work shall be at the discretion of the City. The Work shall not be accepted unless and until it satisfies the requirements of this Agreement, to include the conditions set forth in Section 1 (REQUIRED IMPROVEMENTS, CERTIFICATION, MAINTENANCE GUARANTY, ACCEPTANCE AND CERTIFICATION OF THE FINAL MAP</u>).
   Developer shall request that the City inspect the Work no later than thirty (30) days prior to the end of the Term. The City shall have the authority to suspend the Work, in whole or in part, for such period as it may deem necessary due to unsuitable weather or other unfavorable conditions or the failure of Developer to comply with the requirements

contained in this Agreement, to include compliance with the standard construction specifications of the **City**.

I. DEFAULT, NOTICE AND OPPORTUNITY TO CURE. In the event Developer fails to complete the Work during the Term of this Agreement or any extension hereof, the Developer shall be considered in Default. Upon discovery of the Default, the City shall serve upon the Developer written notice of such Default. Developer shall then have fifteen (15) days from the date of mailing of said notice in which to cure the Default. In the event of a Default, should the Developer fail to cure the Default within fifteen (15) days from the date of notice, the City shall then have the right to complete the Work, to include, without limitation, payment of all third-party claims for labor and material, after which the Developer shall be liable to the City for all costs incurred in completing the Work, such amount to be due and payable within thirty (30) days of receipt of an itemized invoice from the City for the costs shown on the foregoing invoice, the City may thereafter exercise all rights and remedies available at law and equity.

## 2. GENERAL TERMS AND CONDITIONS.

- A. <u>WARRANTY.</u> Developer warrants to the City that the Work, upon completion, will be free of defects and in conformity with all applicable standards, to include requirements of the Elko City Code and any plans approved by the City pertaining to the Work.
- **B.** <u>**TERMINATION, BINDING EFFECT, DELEGATION AND OTHER MATTERS.</u>** This Agreement may not be amended, modified or terminated except by an agreement in writing and approved by the **Developer** and the Elko City Council. This Agreement and all of the covenants, terms, conditions and/or provisions herein contained shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Notwithstanding any other provision contained in this Agreement, neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any party without the prior written consent of the other party. This Agreement is not intended to confer any rights or benefits to any entity other than to the **City** and to **Developer**; accordingly, there are no third-party beneficiaries to this Agreement.</u>
- **C.** <u>CONSTRUCTION OF AGREEMENT.</u> This Agreement constitutes a contract under and shall be construed in accordance with the laws of the State of Nevada. Both parties have had the opportunity to review this Agreement with the assistance of legal counsel Accordingly, the parties agree that the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
- **D.** <u>COUNTERPARTS.</u> This Agreement may be executed in one or more counterparts, each of which shall have the force and effect of an original, and all of which shall constitute but one document.
- E. <u>NOTICES.</u> All notices required to be given under this Agreement shall be deemed given upon the earlier of the actual receipt or two (2) days after being mailed by registered or certified mail, return receipt requested, addressed as follows: if to City, to c/o Michele Rambo, (or the then-current) Development Manager, 1751 College Avenue, Elko, Nevada 89801; if to Developer, to: Robert Capps, Parrado Partners, LP, 12257 Business Park Drive #1, Truckee, CA 96161.

- F. <u>CITY'S AUTHORITY</u>. This Agreement is not intended to supersede the authority granted by law to the **City**. Therefore, nothing in this Agreement shall be construed or implied to require the **City's** planning or other regulatory boards or departments (however designated) to approve any plans, permits, maps or other documents pertaining to any aspect of the **Work** or other action described in this Agreement.
- G. <u>TIME OF THE ESSENCE</u>. Time is of the essence and a material provision of this Agreement.
- H. INDEMNIFICATION. Developer hereby agrees to hold harmless, indemnify and defend the City (including, without limitation, the City's officers, agents and employees) against and to all claims, demands, actions, suits, liability, cost and expense, including defense expenses, (to include, without limitation, suits for damages and injuries to persons or property) that are claimed to have resulted from the acts or omissions of Developer (including without limitation its agents, employees and/or contractors) in any manner pertaining to the Work.
- I. <u>JURISDICTION AND VENUE.</u> The District Court for the Fourth Judicial District, in and for the County of Elko, State of Nevada, shall have jurisdiction and venue over all disputes arising from or in relation to this Agreement.
- J. <u>INTEGRATION.</u> This Agreement represents and contains the entire Agreement and understanding among the parties with respect to the subject matter of this Agreement and supersedes and replaces all prior oral and written agreements and understandings with respect to the subject matter of this Agreement, and no representation, warranty, condition, understanding or agreement of any kind with respect to the subject matter hereof shall be relied upon by the parties unless incorporated herein. This Agreement shall be construed as a complete novation of any prior agreements relating to the subject matter of this Agreement.
- K. <u>DOCUMENTS PROVIDED TO CITY ARE PUBLIC.</u> This Agreement, together with any documents associated with the Work, may be recorded in any public system of records, to include the records of the Elko County Recorder. Under no circumstances shall **Developer** assert a right to confidentiality or an intellectual property interest in documents or other information provided to the **City** in relation to the **Work**.
- L. <u>ATTORNEY FEES.</u> In the event the **City** is required to pursue any action to enforce any term or condition in this Agreement, it shall be entitled to reasonable attorney's fees and court costs.
- **M.** <u>SEVERABILITY.</u> In the event one or more of the provisions, or portions thereof, of this Agreement is determined to be illegal or unenforceable, the remainder of the Agreement shall not be affected thereby and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.
- N. <u>HEADINGS.</u> The headings of sections and subsections of this Agreement are inserted for convenience only and shall not be deemed to constitute part of this Agreement or to affect the construction hereof.
- **O.** <u>NO AGENCY, PARTNERSHIP OR JOINT VENTURE.</u> Nothing herein contained shall be construed to create an agency, partnership or joint venture between the parties.
- P. <u>REMEDIES NOT EXCLUSIVE.</u> No remedy provided by this Agreement, to include the right to make a claim against a bond or other guaranty, shall be exclusive. The **City** shall have the

right to pursue any remedies provided under this Agreement, or by law or equity, simultaneously or in sequence at its sole discretion.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate the day and year first above written.

**CITY - THE CITY OF ELKO,** a municipal corporation

**DEVELOPER – PARRADO PARTNERS, LP** 

By: ___

**REECE KEENER**, Mayor

Ву: _____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

EXHIBIT A

EXHIBIT B

# Elko City Council Agenda Action Sheet

- 1. Title: First reading of Ordinance No. 839, an ordinance amending Title 2, Chapters 2, 3, 4, 5, 6, 7, 8 & 13 of the Elko City Code entitled "Building Regulations" by adding 2018 International code, and corresponding amendments, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: **ORDINANCE**
- 4. Time Required: **10 Minutes**
- 5. Background Information: On January 9, 2018, Council directed Staff to initiate the adoptions of the 2018 International Building Codes and initiate a Business Impact Statement. On May 14, 2019 Council found that Ordinance No. 839 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. KW
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: **Completed**
- 8. Supplemental Agenda Information: Copy of Ordinance No. 839
- 9. Recommended Motion: Conduct First Reading of Ordinance No. 839 and direct Staff to set the matter for Second Reading, Public Hearing, and possible adoption.
- 10. Prepared By: Kelly Wooldridge, City Clerk
- 11. Committee/Other Agency Review: N/A
- 12. Council Action:
- 13. Council Agenda Distribution:

# Ordinance 839

# AN ORDINANCE AMENDING TITLE 2 CHAPTERS 2, 3, 4, 5, 6, 7, 8, & 13 OF THE ELKO CITY CODE ENTITLED "BUILDING REGULATIONS" BY ADDING 2018 INTERNATIONAL CODE, AND CORRESPONDING AMENDENTS, AS WELL AS MATTERS RELATED THERETO.

Whereas, the City has reviewed and determined that it is necessary to adopt the 2018 Administrative Code as the source pertaining to the administration of building regulations and requirements for the City of Elko.

Whereas, the City has determined that updating the building codes is the most effective and efficient method of creating safe environments, and the majority of cities in Nevada are using the 2018 International Building Codes.

Whereas, the City has determined that it is necessary to make changes to the Building Code Amendments NOW THEREFORE, IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA.

For amendment purposes, words which are in <u>blue, bold and underlined</u> are additions to the Ordinance, and words which are red lined through are deleted from the Ordinance.

Section 1: Title 2 Chapter 2, 3, 4, 5, 6, 7, 8 & 13 are hereby amended to read as follows:

Chapter 2

# BUILDING CODE

# 2-2-1: BUILDING CODE PROVISIONS: 2-2-2: BUILDING CODE AMENDMENTS:

# 2-2-1: BUILDING CODE PROVISIONS:

Title: This chapter will be known as the *INTERNATIONAL BUILDING CODE OF THE CITY OF ELKO*, hereinafter "code", including the adoption of the 2009 international building code with appendices C, E, F, G, H, I and J. 2018 International Building Code- with Appendices C, E, H, I, J and O.

- A. Certain sections of the international building code and appendices may be added or deleted.
- B. Applicability: All construction of, or the enlarging, altering, repairing, moving, demolishing, or changing the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any component, element, or portion of a building or structure within the city must be in compliance with, in addition to, the other applicable codes or amendments set forth by the city council and the latest edition of the international building code. (Ord. 723, 2-8-2011)

# 2-2-2: BUILDING CODE AMENDMENTS:

All building construction work and the inspections thereof must be in conformity with the provisions of this code and with the latest edition of the International Building code, which is hereby adopted by the city, with the following specific deletions and additions:

Chapter 1 - Scope and Administration

Chapter 1 Scope and Administration is deleted in its entirety and replaced by city of Elko ordinance no. 722, title 2, chapter 1, "Building Regulations Administrative Code", of the city code.

Chapter 2 – Definitions

Section 202 - Definitions.

Amend section 202 to include the following new definitions:

Surcharge: A vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples include:

- Sloped retained soil.
- Structure footings supported by the retained soil.
- Adjacent vehicle loads supported by the retained soil.

Chapter 3 - Occupancy Classification and Use

Section 303 – Assembly Group A. 303.1 Assembly Group A. Revise section 303.1 subsection A-2 as follows:

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** 

The remainder of this section remains unchanged.

# SECTION 305.2 GROUP E, DAY CARE FACILITIES

Amend Section 305.2 to read as follows:

**305.2** Group E, day care facilities. This group includes buildings and structures, or portions thereof occupied by more than six children older than 2 ½ years of age who receive educational, supervision or *personal care services* for fewer than 24 hours per day.

<u>305.2.1</u> Within places of religious worship. Rooms and spaces within *places of religious worship* providing such day care during religious functions shall be classified as part of the primary occupancy.

<u>305.2.2</u> Six or fewer children. A facility having six or fewer children receiving such day care shall be classified as part of the primary occupancy.

<u>305.2.3</u> Six or fewer children in a dwelling unit. A facility such as the above within a *dwelling unit* and having six or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

Section 308 - Institutional Group I.

## Amend Section 308.2 to read as follows:

# SECTION 308.2 INSTITUTIONAL GROUP I-1

Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. Buildings of Group I-1 shall be classified as one of the occupancy conditions specified in Section 308.2.1 or 308.2.2. This group shall include, but not be limited to, the following:

Alcohol and drug centers Assisted living facilities Congregate care facilities Group homes Halfway houses Residential board and care facilities Social rehabilitation facilities

<u>308.2.1</u> Condition 1. This occupancy condition shall include buildings in which all persons receiving custodial care who, without any assistance, are capable of responding to an emergency situation to complete building evacuation.

<u>308.2.2</u> Condition 2. This occupancy condition shall include buildings in which there are any persons receiving custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

<u>308.2.3 Six to 16 persons receiving custodial care. A facility housing not fewer than six and not more than 16 persons</u> receiving custodial care shall be classified as Group R-4.

<u>308.2.4</u> Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

<u>308.2.5</u> Board of Health. All portions of a care facility which houses patients or residents which is classified by the State Board of Health as 'Category 2,' and which has an occupant load of more than 10 residents, is classified as an 'I-1' occupancy classification.

Revise sections 308.3.1, 308.5, 308.5.2 to read as follows: 308.3.1 Definitions.

The following words and terms will, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

Child Care Facilities. Facilities that provide care on a 24-hour basis to more than six children, 2⁴/₂ years of age or less.

Other definitions remain unchanged.

308.5 Group I-4, Day Care Facilities. This group includes buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. A facility such as the above with six or fewer persons must be classified as a group R-3 or must comply with the international residential code in accordance with section 101.2. Places of worship during religious functions are not included.

Section 308.5.1

308.5.2 Child Care Facility.

A facility that provides supervision and personal care on less than a 24-hour basis for more than six children  $2^{4}/_{2}$  years of age or less must be classified as a group I-4.

Section 308.5 Institutional Group I-4, day care facilities

Amend Section 308.5 to read as follows:

<u>308.5 Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and</u> structures occupied by more than six persons of any age who receive *custodial care* for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following: Adult day care Child day care

<u>308.5.1 Classification as Group E. A child day care facility that provides care for more than six but not more than</u> <u>100 children 2 ½ years or less of age, where the rooms in which the children are cared for are located on a *level of* <u>exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall</u> <u>be classified as Group E.</u></u>

<u>308.5.2 Within a place of religious worship. Rooms and spaces within *places of religious worship* providing such care during religious functions shall be classified as part of the primary occupancy.</u>

<u>308.5.3 Six or fewer persons receiving care. A facility having six or fewer persons receiving *custodial care* shall be classified as part of the primary occupancy.</u>

<u>308.5.4 Six or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit</u> and having six or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. Section 310 - Residential Group R. Revise section 310 as follows:

310.1 Residential Group R. Revise as follows:

Residential group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an institutional group I or when not regulated by the international residential code in accordance with section 101.2. Residential occupancies must include the following:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient) Hotels (transient) Motels (transient) Congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for group R-3. Brothels

Section 310.2 Residential Group R-1

Amend Section 310.2 to read as follows:

<u>310.2 Residential Group R-1. Residential Group R-1 occupancies containing sleeping units where the occupants are primarily transient in nature, including:</u>

Boarding houses (transient) with more than 10 occupants

Brothels

Congregate living facilities (transient) with more than 10 occupants

Hotels (transient)

Motels (transient)

## <del>R-2</del>

Revise as follows:

Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses Boarding houses (non-transient) Condominiums (non-transient)Convents Dormitories Fraternities and sororities Hotels (non-transient) Live/work units Monasteries

# Motels (non-transient) Vacation timeshare properties

### <del>R-3</del>

Revise as follows:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as group R-1, R-2, R-4 or I, including:

1) Buildings that do not contain more than two dwelling units.

2) Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

3) Child care facilities that provide accommodations for six or fewer persons of any age for less than 24 hours.

4) Congregate living facilities with 16 or fewer persons.

5) Adult care and child care facilities that are within a single-family home are permitted to comply with the international residential code.

Remainder of section 310.1 to remain unchanged.

Section 311 - Storage Group S. Revise section 311.2 to add one item to read as follows:

Group 311.2 Moderate-hazard storage, Group S-1

311.2 Moderate-Hazard Storage, Group S-1. Buildings occupied for storage uses that are not classified as group S-2, including, but not limited to, storage of the following:

Amend Section 311.2 to read as follows:

## Add self-service storage facility

Aerosol products, Levels 2 and 3

Aircraft hangar (storage and repair)

Bags: cloth, burlap and paper

Bamboos and rattan Baskets Belting: canvas and leather Books and paper in rolls or packs Boots and shoes Buttons, including cloth covered, pearl or bone Cardboard and cardboard boxes Clothing, woolen wearing apparel Cordage Furniture Furs Glues, mucilage, pastes and size

Grains Horns and combs, other than celluloid Leather Linoleum Lumber Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 307.1(1) (see Section 406.8) Photo engravings **Resilient flooring** Self-service storage facility (mini-storage) Silks Soaps Sugar Tires, bulk storage of Tobacco, cigars, cigarettes and snuff Upholstery and mattresses Wax candles

Chapter 4 - Special Detailed Requirements Based On Use And Occupancy

Section 403 - High-Rise Buildings. Revise section 403 as follows:

403.1 Applicability.

High-rise buildings having occupied floors located more than fifty five feet (55') above the lowest level of fire department vehicle access must comply with sections 403.2 through 403.6.

Exception:

The provisions of sections 403.2 through 403.6 must not apply to the following buildings and structures: 1. Airport traffic control towers in accordance with section 412.3.

2. Open parking garages in accordance with section 406.3.

3. Special industrial occupancies in accordance with section 503.1.1

Section 403.5.4 Smoke proof enclosures

Amend Section 403.5.4 to read as follows:

403.5.4 Smoke proof enclosures. Every required *interior exit stairway* serving floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be a *smoke proof enclosure* in accordance with Sections 909.20 and 1023.11

Revise section 404.3 to read as follows, deleting exception nos. 1 and 2:

[F] 404.3 Automatic Sprinkler Protection.

An approved automatic sprinkler system must be installed throughout the entire building.

Section 406 - Motor-Vehicle-Related Occupancies.

Revise as follows: 406.1 Area Increase (Private Garages <u>and</u> Carports). Add a new exception after last paragraph of section 406.1.2 to read as follows:

# 406.1.2 Area Increase.

Group U occupancies used for the storage of private or pleasure-type motor vehicles where no repair work is completed or fuel is dispensed are permitted to be 3,000 square feet (279 m²) when the following provisions are met:

1. For a mixed occupancy building, the exterior wall and opening protection for the group U portion of the building must be as required for the major occupancy of the building. For such a mixed occupancy building, the allowable floor area of the building must be as permitted for the major occupancy contained therein.

2. For a building containing only a group U occupancy, the exterior wall must not be required to have a fireresistance rating and the area of openings must not be limited when the fire separation distance is 5 feet (1524 mm) or more.

More than one 3,000-square-foot (279 m²) group U occupancy must be permitted to be in the same building, provided each 3,000-square-foot (279 m²) area is separated by fire walls complying with section 705.

Exception: Noncombustible carports may be of unlimited area when they are open on all sides, not over twelve feet (3658 mm) in height and located a minimum of 5 feet (1524 mm) from any property line or assumed property line, measured from the roof edge.

406.1.4 Separation (Private Garages <u>and</u>Carports). Revise section 406.1.4 by adding item nos. 4 and 5 as follows:

406.1.4 Separation. Separations must comply with the following:

1. Unchanged.

2. Unchanged.

3. Unchanged.

4. Noncombustible carports do not require exterior wall and opening protection when they are open on all sides, not over twelve feet (3658 mm) in height and located a minimum of 5 feet (1524 mm) from any property line or assumed property line, as measured from the roof edge.

5. When a group B, F, M, R, or S occupancy structure and a noncombustible carport are located on the same property with a minimum separation of ten feet (3048 mm) between the structure and the carport, as measured from the roof edges, exterior wall and opening protection is not required for either structure.

406.4.2 Ventilation (Enclosed Parking Garages). Revise section 406.4.2 as follows:

406.4.2 Ventilation.

A mechanical ventilation system must be provided in accordance with the uniform mechanical code.

# Exceptions:

(1) A mechanical ventilation system must not be required in an enclosed parking garage when openings complying with section 406.3.3.1 are provided.

(2) A mechanical ventilation system must not be required in an enclosed parking garage having a floor area of 1,000 ft² or less and used for the storage of five (5) or less private motor vehicles.

# 406.4.2.1 Minimum Ventilation.

The mechanical ventilation system must be capable of producing a ventilation rate of 0.75 cfm per square foot  $(0.0038 \text{ m}^3/\text{s.m}^2)$  of floor area.

# Exception:

When approved by the city of Elko, the mechanical ventilation system may be designed to exhaust a minimum of 14,000 cfm  $(6.61 \text{ m}^3/\text{s})$  for each operating vehicle. Such system must be based on the anticipated instantaneous movement rate of vehicles, but not less than 2.5 percent of the garage capacity, or one vehicle, whichever is greater.

# 406.4.2.2 Intermittent Operation.

The mechanical ventilation system is not required to operate continuously where approved automatic carbon monoxide sensing devices are provided to operate the system automatically to maintain a maximum average concentration of carbon monoxide of 50 parts per million during any eight-hour period, with a maximum concentration not greater than 200 parts per million for a period not exceeding one hour.

# 406.4.2.3 Occupied Spaces Accessory To Public Garages.

Connecting offices, waiting rooms, ticket booths and similar uses that are accessory to a public garage must be supplied with conditioned air and maintained at a positive pressure.

406.6.3 Ventilation (Repair Garages). Revise section 406.6.3 as follows:

# 406.6.3 Ventilation.

Repair garages must be mechanically ventilated in accordance with the uniform mechanical code. The ventilation system must be controlled at the entrance to the garage.

# 406.6.3.1 Minimum Ventilation.

The mechanical ventilation system must be capable of producing a ventilation rate of 1.5 cfm per square foot (0.0076  $m^3/s.m^2$ ) of floor area. Each engine repair stall must be equipped with an exhaust pipe extension duct, extending to the outside of the building, which, if over 10 feet (3048 mm) in length, must mechanically exhaust 300 cfm (0.142  $m^3/s$ ).

# 406.6.3.2 Occupied Spaces Accessory To Repair Garages.

Connecting offices, waiting rooms and similar uses that are accessory to a repair garage must be supplied with conditioned air and maintained at a positive pressure.

Section 419 - Live/Work Units. Revise section 419.5 as follows:

419.5 Fire Protection.

The live/work unit must be provided with a monitored fire alarm system where required by section 907.2.9 and an automatic sprinkler system in accordance with section 903.3.1.1 or 903.3.1.2.

Chapter 5 - General Building Heights and Areas

Section [F] 501.2 Address Identification. Revise section [F] 501.2 as follows:

[F] 501.2 Address Identification.

New and existing buildings must be provided with approved address numbers or letters. Each character must be a minimum 6 inches (152 mm) high and a minimum of 0.5 inch (12.7 mm) wide. They must be installed on a contrasting background and be plainly visible from the street or road fronting the property. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means must be used to identify the structure.

Section 507 - Unlimited Area Buildings. 507.2 Non-Sprinklered, One Story (Unlimited Area Buildings). Revise section 507.2 as follows:

507.2 Nonsprinklered, Group F-2 Or S-2, One Story.

The area of a group F-2 or S-2 building no more than one story in height must not be limited when the building is surrounded and adjoined by public ways or yards not less than 60 feet (18 288 mm) in width and the building is provided with an automatic sprinkler system throughout when required by section 903.2 or the international fire code.

# Chapter 6 - Types of Construction

Section 603 - Combustible Material In Type I And II Construction. 603.1.2 Piping (Buildings Of Type I/II Construction). Revise section 603.1.2 as follows:

603.1.2 Piping.

The use of combustible piping materials must be permitted when installed in accordance with the following:

# 603.1.2.1 Equipment Rooms.

Combustible piping must be permitted to be installed in an equipment room that is enclosed by 2-hour fireresistance rated construction and protected throughout by automatic sprinklers. The combustible piping must be permitted to be extended from the equipment room to other rooms provided the piping is encased in an approved, dedicated 2-hour fire-resistance rated assembly. Where such combustible piping penetrates a fireresistance rated wall and/or floor/ceiling assembly, the penetration must be protected by a through-penetration firestop system that is listed for the specific piping material and that has F and T ratings not less than the required fire-resistance rating of the penetrated assembly. The combustible piping must not penetrate more than a single floor.

## 603.1.2.2 Chemical Waste Systems.

Combustible piping must be permitted to be installed for chemical waste and vent systems when the chemical waste would otherwise react with noncombustible piping. Combustible piping serving such systems must be protected as required in section 603.1.2.1.

603.1.2.3 Medical Water Systems.

Combustible piping is permitted to be installed for purified water systems that are used in conjunction with medical treatment systems, such as dialysis. Combustible piping serving such systems must be protected as required in section 603.1.2.1.

# 603.1.2.4 Bars and Soda Fountains.

Combustible piping is permitted to be installed for distribution/process systems that serve bars and soda fountains. Combustible piping serving such systems must either be installed below a fire-resistance rated slabon-grade, protected as required in section 603.1.2.1, or sleeved within noncombustible EMT conduit or metal piping from the room of origin to the area of end use. Where combustible piping serving bars and soda fountains is sleeved within noncombustible EMT conduit or metal piping, the end points of the conduit or pipe must be sealed in accordance with Nevada state health division requirements.

# 603.1.2.5 Fire Sprinkler Systems.

CPVC piping that is specifically listed and labeled for fire protection use is permitted to be installed for fire sprinkler system piping provided that it is installed in accordance with its listing, the manufacturer's installation requirements, and the international building code.

# 603.1.2.6 Under Slab-On-Grade.

Combustible piping is permitted to be installed under a fire-resistance rated slab-on-grade provided the transition from combustible to noncombustible piping occurs entirely below the slab-on-grade. The transition from combustible to noncombustible piping is permitted to occur within an equipment room directly above the slab-on-grade when the room is protected as required in section 603.1.2.1.

Chapter 9 - Fire Protection Systems

# SECTION 902.1 HIGH-RISE BUILDINGS

# Amend Section 902.1 to read as follows:

<u>902.1 High-rise buildings. Any building having occupied floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of Sections 902.1.1 and 902.1.2.</u>

# Section 903.2.7 Group M. Revise section 903.2.7 as follows:

### [F] 903.2.7 Group M.

An automatic sprinkler system must be provided throughout buildings containing a group M occupancy where one of the following conditions exists:

1. A group M fire area exceeds 12,000 square feet (1115 m²).

2. A group M fire area is located more than three stories above grade plane.

3. The combined area of all group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

4. A group M occupancy which primary purpose is used for the display and sale of upholstered furniture, mattresses or box springs.

### Section 906 Portable Fire Extinguishers

# Amend to Section 906 to read as follows:

Refer to the 2018 Editions of the International Fire Code and the 2018 Northern Nevada Fire Amendments.

Section 910.2 Where required

Amend Section 910.2 to read as follows:

<u>910.2 Where required. Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.</u>

### **Exceptions:**

<u>1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.</u>

2.-Automatic smoke and heat vents are not required within areas of buildings equipped with early suppression fast-response (ESFR) sprinklers unless the area of Group F-1 or S-1 occupancy protected with the ESFR sprinklers has an exit access travel distance of more than 250 feet (76 200mmn).

3. Smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50 (m x S)1/2 or less that are listed to control a fire in stored commodities with 12 or fewer sprinkle.

#### Chapter 10 - Means of Egress

Section 1006 - Means Of Egress Illumination. 1006.3 Illumination Emergency Power. Revise section 1006.3 as follows:

1006.3 Illumination Emergency Power.

The power supply for means of egress illumination must normally be provided by the premises' electrical supply. In the event of power failure, an emergency electrical system must automatically illuminate all of the following areas: 1. Aisles and unenclosed egress stairways in rooms and spaces that require two or more means of egress.

2. Corridors, exit enclosures and exit passageways in buildings required to have two or more exits.

3. Exterior egress components at other than their levels of exit discharge until exit discharge is accomplished for buildings required to have two or more exits.

4. Interior exit discharge elements, as permitted in section 1027.1, in buildings required to have two or more exits.

5. Exterior landings as required by section 1008.1.6 for exit discharge doorways in buildings required to have two or more exits.

6. Electrical equipment rooms, fire command centers, fire pump rooms, PBX rooms, and generator rooms.

7. Public restrooms which are greater than 64 square feet (5.9 square meters) and accessed by means of

egress components which are required to have emergency illumination.

The emergency power system must provide power for a duration of not less than 90 minutes and must consist of storage batteries, unit equipment or an on-site generator. The installation of the emergency power system must be in accordance with chapter 27.

Section 1007 - Accessible Means Of Egress. Revise section 1007.1 as follows:

1007.1 Accessible Means Of Egress Required.

Accessible means of egress must comply with this section. Accessible spaces must be provided with not less than one accessible means of egress. Where more than one means of egress are required by section 1015.1 or 1021.1 from any accessible space, each accessible portion of the space must be served by not less than two accessible means of egress.

Exceptions:

1. Accessible means of egress are not required in alterations to existing facilities.

2. One accessible means of egress is required from an accessible mezzanine level in accordance with section 1007.3, 1007.4 or 1007.5.

3. In assembly areas with sloped or stepped aisles, one accessible means of egress is permitted where the common path of travel from the wheelchair space is accessible and meets the requirements in section 1028.8.

Section 1008 - Doors, Gates And Turnstiles. 1008.1.5 Floor Elevation (Doors). Revise section 1008.1.5 as follows:

#### 1008.1.5 Floor Elevation.

There must be a floor or landing on each side of a door. Such floor or landing must be at the same elevation on each side of the door. Landings must be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 units vertical in 12 units horizontal (2-percent slope). Exceptions:

- 1. Unchanged.
- 2. Unchanged.
- 3. Unchanged.
- 4. Unchanged.
- 5. Unchanged.

6. A single step with a maximum height of 7 inches (178 mm) is permitted for doors serving building equipment rooms that are not normally occupied and are not required to be accessible by chapter 11. 1008.1.8 Door Arrangement. Revise section 1008.1.8 by adding exception 4 as follows:

1008.1.8 Door Arrangement.

Space between two doors in a series must be 48 inches (1219 mm) minimum plus the width of a door swinging into the space. Doors in a series must swing either in the same direction or away from the space between the doors.

#### Exceptions:

1. The minimum distance between horizontal sliding power-operated doors in a series must be 48 inches (1219 mm).

2. Storm and screen doors serving individual dwelling units in groups R-2 and R-3 need not be spaced 48 inches (1219 mm) from the other door.

3. Doors within individual dwelling units in groups R-2 and R-3 other than within type A dwelling units.

4. The space between doors serving access vestibules of smoke proof enclosures must be permitted to be in accordance with section 909.20.1.

1008.1.9.10 Stairway Doors. Revise section 1008.1.9.10 as follows:

1008.1.9.10 Stairway Doors.

Interior stairway means of egress doors must be operable from both sides without the use of a key or special knowledge or effort. Exceptions:

1. Stairway discharge doors must be openable from the egress side and must only be locked from the opposite side.

2. This section does not apply to doors arranged in accordance with section 403.5.3.

3. In stairways serving buildings other than high-rise buildings, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side. Except for exit discharge doors, the stairway doors must be automatically unlocked simultaneously without unlatching upon any of the following: a signal from the fire command center, if present, or a signal by emergency personnel from an approved location inside the building; activation of a fire alarm system or a fire sprinkler system in an area served by the stairway; or failure of the power supply.

4. Upon approval of the city of Elko, stairway doors opening directly into privately owned residential units or leased tenant spaces are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side. The doors are permitted to unlock without unlatching only upon signal from the fire command center, if present, or a signal by emergency personnel from an approved location inside the building.

1010.1.10 Panic and fire exit hardware Amend Section 1010.1.10 to read:

1010.1.10 Panic and fire exit hardware. Swinging doors serving a Group H occupancy and swinging doors serving rooms or spaces with an occupant load of 50 or more in a Group A or E occupancy shall not be provided with a latch or lock other than panic hardware or fire exit hardware.

**Exceptions:** 

1. A main exit of a Group A occupancy shall be permitted to have locking devices in accordance with Section 1010.1.9.4, Item 2.

2. Doors provided with panic hardware or fire exit hardware and serving a Group A or E occupancy shall be _permitted to be electrically locked in accordance with Section 1010.1.9.9 or 1010.1.9.10. Electrical rooms with equipment rated 800 amperes or more and over 6 feet (1829 mm) wide, and that contain overcurrent devices, switching devices or control devices with exit or exit access doors, shall be equipped with panic hardware or fire exit hardware. The doors shall swing in the direction of egress travel.

Section 1015 - Exit And Exit Access Doorways. Revise section 1015.2.2 as follows:

1015.2.2 Three Or More Exits Or Exit Access Doorways.

Where access to three or more exits is required, at least two exit doors or exit access doorways must be arranged in accordance with the provisions of section 1015.2.1. Additional exits or exit access doorways must be distributed so that if one becomes blocked, the others will be available.

Section 1022 - Exit Enclosures. Revise section 1022.9 as follows:

1022.9 Smokeproof Enclosures And Pressurized Stairways.

In buildings required to comply with section 403 or 405, each of the exit enclosures serving a story with a floor surface located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the finished floor of a level of exit discharge serving such stories must be a smokeproof enclosure or pressurized stairway in accordance with section 909.20. Pressurization must occur automatically upon activation of an approved fire alarm system.

Section 1024 - Luminous Egress Path Markings. Revise section 1024.1 as follows:

# 1024.1 General.

Approved luminous egress path markings delineating the exit path must be provided in exit enclosures in buildings of groups A, B, E, I, M and R-1 having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access in accordance with sections 1024.1 through 1024.5. Exceptions:

1. Luminous egress path markings are not required on the level of exit discharge in lobbies that serve as part of the exit path in accordance with section 1027.1, exception 1.

2. Luminous egress path markings are not required in areas of open parking garages that serve as part of the exit path in accordance with section 1027.1, exception 3.

3. Luminous egress path markings are not required in exit enclosures that do not serve a story located more than 55 feet above the lowest level of fire department vehicle access. Section 1026 - Exterior Exit Ramps And Stairways.

Revise section 1026.2 as follows: 1026.2 Use As A Means Of Egress. Exterior exit stairways must not be used as an element of a required means of egress for group I-2 occupancies. For occupancies in other than group I-2, exterior exit ramps and stairways must be permitted as an element of a required means of egress for buildings not exceeding six stories above grade plane or having occupied floors more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

#### Chapter 11 - Accessibility

Section 1102 - Definitions. Revise section 1102.1, "Self-Service Storage Facility" definition as follows:

Section 1102.1, Self-Service Storage Facility. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing property on a self-service basis.

Section 1107 - Dwelling Units And Sleeping Units. Revise section 1107.6.2.1 as follows:

1107.6.2.1 Apartment Houses, Condominiums, Monasteries And Convents.

Type A units and type B units must be provided in apartment houses, condominiums, monasteries and convents in accordance with sections 1107.6.2.1.1 and 1107.6.2.1.2.

#### **Chapter 12 - Interior Environment**

Section 1203 - Ventilation.

1203.1 General. Revise section 1203.1 as follows:

#### 1203.1 General.

Buildings must be provided with natural ventilation in accordance with section 1203.4, or mechanical ventilation in accordance with the uniform mechanical code or section 1203.6.

1203.4.1.3 Guest Rooms And Habitable Rooms. Add new sections 1203.4.1.3, 1203.4.1.4, and 1203.4.1.5 as follows:

#### 1203.4.1.3 Guest Rooms And Habitable Rooms.

Guest rooms and habitable rooms within a dwelling unit or congregate residence in R occupancies, when provided with natural ventilation by means of openable exterior openings, must be provided with a minimum ventilation area of 5 square feet (0.46 m²).

1203.4.1.4 Bathrooms, Water Closets, Laundry Rooms And Similar Rooms In R Occupancies. Bathrooms, water closet compartments, laundry rooms and similar rooms in R occupancies, when provided with natural ventilation by means of openable exterior openings, must be provided with a minimum ventilation area of 1.5 square feet (0.14 m²).

## 1203.4.1.5 Toilet Rooms.

Toilet rooms, when provided with natural ventilation by means of openable exterior openings, must be provided with a minimum ventilation area of 3 square feet (0.28 m²), or a vertical duct not less than 100 square inches

(64 516 mm²) in area for the first water closet plus 50 square inches (32 258 mm²) of additional area for each additional water closet. 1203.4.2.1 Bathrooms.

Delete section 1203.4.2.1 in its entirety without replacement.

1203.6 Mechanical Ventilation.

Add new section 1203.6 through 1203.6.5.2 as follows:

#### 1203.6 Mechanical Ventilation.

Mechanically operated ventilation systems must be in accordance with the uniform mechanical code or sections 1203.6.1 through 1203.6.5.

### 1203.6.1 General.

In all enclosed portions of groups A, B, E, F, H, I, M and S occupancies customarily occupied by human beings, when mechanically operated ventilation systems are provided in lieu of required exterior openings for natural ventilation, such system must be capable of supplying a minimum of 15 cubic feet per minute (7 L/s) of outside air per occupant in all portions of the building during such time as the building is occupied. If the velocity of the air at a register exceeds 10 feet per second (3 m/s), the register must be placed more than 8 feet (2438 mm) above the floor directly beneath. Such exterior openings must open directly onto a public way or a yard or court as set forth in section 1206.

In toilet rooms, if mechanically operated systems are to be utilized for required ventilation, such systems must be capable of providing a complete change of air every 15 minutes. Such mechanically operated exhaust systems must be connected directly to the outside, and the point of discharge must be at least 3 feet (914 mm) from any opening that allows air entry into occupied portions of the building.

#### 1203.6.2 Groups B, F, M And S Occupancies.

In all buildings classified as groups B, F, M and S occupancies or portions thereof where class I, II or III-A liquids are used, a mechanically operated exhaust ventilation system must be provided that is sufficient to produce a minimum of six air changes per hour. Such exhaust ventilation must be taken from a point at or near the floor level.

#### 1203.6.3 Group H Occupancies.

All group H occupancies must comply with the international fire code, uniform mechanical code and section 415. In group H, division 5 occupancies, mechanical exhaust ventilation must be provided in accordance with 415.8.2.6, 415.8.4.3, 415.8.5.7, 415.8.10.2 and other appropriate sections of this code. Rooms, areas or spaces of group H occupancies in which explosive, corrosive, combustible, flammable or highly toxic dusts, mists, fumes, vapors or gases are or may be emitted due to the processing, use, handling or storage of materials must be mechanically ventilated as required by section 414.3, the international fire code, and the uniform mechanical code.

#### 1203.6.4 Group R Occupancies.

In group R occupancies, in lieu of required exterior openings for natural ventilation, a mechanically operated ventilation system may be provided. Such system must be capable of providing two air changes per hour in guest rooms, dormitories, habitable rooms and in public corridors with a minimum of 15 cubic feet per minute (7 L/s) of outside air per occupant during such time as the building is occupied.

In lieu of required exterior openings for natural ventilation in bathrooms containing a bathtub, shower or combination thereof, laundry rooms, and similar rooms, a mechanically operated ventilation system capable of

providing a minimum of five air changes per hour must be provided. Such systems must be connected directly to the outside, and the point of discharge must be at least 3 feet (914 mm) from any opening that allows air entry into occupied portions of the building. Bathrooms that contain only a water closet, lavatory or combination thereof and similar rooms may be ventilated with an approved mechanical re-circulating fan or similar device designed to remove odors from the air.

1203.6.5 Motor Vehicle Related Occupancies.

1203.6.5.1 Repair Garage. Ventilation in repair garages must be in accordance with section 406.6.3.

1203.6.5.2 Enclosed Parking Garages. Ventilation in enclosed parking garages must be in accordance with section 406.4.2.

Section 1209.4 Baby Changing Tables

Amend Section 1209 by adding Section 1209.4 as follows:

1209.4 Baby Changing Tables. Diaper changing tables are required to be installed in both male, female and other restrooms, in permanent buildings that contain public restrooms as defined in chapter 29 of the 2018 IBC. Changing tables are required when any of the following occur: new buildings, tenant improvements, new restrooms, alteration of existing restrooms, new additions, change of uses that require updating existing restrooms with additions to those facilities. Changing tables shall meet the guidelines of 603.5, 309 and 902 of ANSI/ICC A117.1-2017.

Exceptions: A building or facility that does not have public restrooms or has been issued a permit or license which restricts the admission of children on the basis of age, shall be exempt from this requirement

Chapter 16 - Structural Design

Section 1603 - Construction Documents. 1603.1 General. Add exception #7 to section 1603.1 as follows: 7. Average dead loads for roofing and flooring materials.

Table 1607 - Live Loads. Table 1607.1 Minimum Uniformly Distributed Live Loads And Minimum Concentrated Live Loads.

Add footnote "m" for item #27 in table 1607.1 as follows: (Remainder of table and footnotes remain unchanged.)

Occupancy Or Use-	<del>Uniform</del> <del>(psf)</del> –	Concentrated (Ibs)-	
<del>27 Residential</del>	-	-	
One- and two- family dwellings-	-	-	
- Uninhabitable attics without storage ^{i,m} -	10-	-	

-	Uninhabitable attics with limited storage ^{i,j,k,m} -	<del>20</del>	-
-	Habitable attics and sleeping areas	40-	-
-	All other areas	40-	
H	otels and multiple-family dwellings-	-	-
-	Private rooms and corridors serving them-	40-	-
-	Public rooms and corridors serving them-	100-	-

m. Attics, designed per uniform loads described for uninhabitable attics, are not required to be designed for the additional concentrated load of item 31.

### SECTION 1608.2 GROUND SNOW LOADS

Amend Section 1608.2 to read as follows:

Ground and roof snow loads shall be 30 pounds per square foot, minimum. Roof snow loads shall not be reduced for slope, as outlined in Chapter 7 of ASCE 7. For unheated structures, structures kept just above freezing, or for freezer buildings, the roof snow load shall be increased using the appropriate factor in Table 7.3-2 of ASCE 7-16.

Section 1609 - Wind Loads. 1609.1.1 Determination Of Wind Loads. Add a new exception #7 to subsection 1609.1.1 as follows: Exceptions:

7. Solid and freestanding walls up to and including 10'-0" above the highest adjacent grade and designed using the provisions of ASCE 7 section 6.5.14 need only consider CASE A of figure 6-20 with a C_f factor equal to 1.40 and the resultant applied at the mid-height of the wall.

Section 1612 - Flood Loads.

Revise section 1612.3 as follows:

1612.3 Establishment Of Flood Hazard Areas.

To establish flood hazard areas, the city must adopt a flood hazard map and supporting data. The flood hazard map must include, at a minimum, areas of special flood hazard as identified by the federal emergency management agency in an engineering report entitled "The Flood Insurance Study For Elko County, Nevada And Incorporated Areas," most current edition, as amended or revised with the accompanying flood insurance rate map (FIRM) and flood boundary and floodway map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Chapter 17 - Structural Tests And Special Inspections

Section 1704 - Special Inspections. 1704.1.2 Report Requirement. Revise subsection 1704.1.2 as follows:

### 1704.1.2 Report Requirement.

Special inspectors must keep records of required special inspections. The special inspector must furnish inspection reports to the City of Elko, and to the registered design professional in responsible charge. Reports must indicate that work inspected was or was not completed in conformance to approved construction documents. Discrepancies must be brought to the immediate attention of the contractor for correction. If they are not corrected, the discrepancies must be brought to the attention of the City of Elko and to the registered design professional in responsible charge in writing prior to the completion of that phase of the work. A final report documenting required special inspections and correction of any discrepancies noted in the inspections must be submitted to the city of Elko prior to the final inspection.

# SECTION 1704.2 SPECIAL INSPECTIONS AND TESTS

### Amend Section 1704.2 to read as follows:

1704.2 Special inspections and tests. Where application is made to the *building official* for construction as specified in Section 105, the owner or the owner's authorized agent, other than the contractor, shall employ one or more *approved agencies* to provide *special inspections* and tests during construction on the types of work specified in Section 1705 and identify the *approved agencies* to the *building official*. These *special inspections* and tests are in addition to the inspections by the *building official* that are identified in Section 110.

#### **Exceptions:**

- 1. <u>Special inspections and tests are not required for construction of a minor nature or as warranted by conditions in the jurisdiction as approved by the building official.</u>
- 2. Unless otherwise required by the *building official, special inspections* and tests are not required for Group R-3 occupancies as applicable in section 101.2 and Group U occupancies that are accessory to a residential occupancy including, but not limited to, those listed in Section 312.1.
- 3. Special inspections and tests are not required for portions of structures designed and constructed in accordance with the cold-formed steel light-frame construction provisions of Section 2211.1.2 or the conventional light-frame constructions provisions of Section 2308.
- 4. The contractor is permitted to employ the *approved agencies* where the contractor is also the owner.

#### 1704.5 Masonry Construction.

Revise the exceptions in section 1704.5 as follows:

1704.5 Masonry Construction.

Masonry construction must be inspected and verified in accordance with the requirement of section 1704.5.1 through 1704.5.3, depending on the occupancy category of the building or structure. Exception: Special inspections will not be required for:

1. Empirically designed masonry, glass unit masonry or masonry veneer designed by section 2109, 2110, or chapter 14, respectively, or by chapter 5, 6, or 7 of TMS 402/ACI 530/ASCE 5, respectively, when they are part of structures classified as occupancy category I, II, or III in accordance with section 1604.5.

2. Masonry fireplaces, masonry heaters or masonry chimneys installed or constructed in accordance with section 2111, 2112, or 2113, respectively.

3. Masonry fences less than or equal to 8'-0" in height, retaining walls less than or equal to 6'-0" in height or combined masonry fences and retaining walls less than or equal to 14'-0" in overall height with the retaining wall portion less than or equal to 6'-0" in height and the fence portion less than or equal to 8'-0" in height provided that the walls are designed in accordance with chapter 2 of TMS 402/ACI 530/ASCE 5 with allowable

stresses for masonry reduced by one half and f'm does not exceed 1500 psi. Wall heights must be measured from the top of footing to top of wall.

1704.7 Soils.

Revise the exception in section 1704.7 as follows: Exception:

Where section 1803 does not require reporting of materials and procedures for fill placement, the in-place dry density of the compacted fill must not be less than 90% of the maximum dry density at optimum moisture content determined in accordance with ASTM D 1557. Table 1704.7 Required Verification And Inspection Of Soils.

Revise table 1704.7 as follows:

#### TABLE 1704.7

REQUIRED VERIFICATION AND INSPECTION OF SOILS

Verificatio	on And Inspection Task	Continuous During Task Listed	Periodically During Task Listed
1. Verify materials below shallow for bearing capacity.	oundations are adequate to achieve the design	_	<b>X</b>
2. Verify excavations are extended material.	to proper depth and have reached proper	=	<b>X</b>
3. Perform classification and testing	g of compacted fill materials.	_	×-
	ensities and lift thicknesses during placement nd other grading activities requiring special		<b>X</b>
a. All soils not meeting the requi	rements of category b.	_	×-
soils, and/or soils requiring chemare encountered. Construction c	y expansive soils, hydrocollapsible soils, soluble nical or mechanical (geosynthetics) stabilization or stabilization of cut or fill slopes exceeding 5 ng that fill be placed on a natural slope, an fill slope steeper than 5:1.	X-	_
5. Prior to placement of compacted been prepared properly.	fill, observe subgrade and verify that site has		<b>X</b>

## Chapter 18 - Soils And Foundations

Section 1803 - Geotechnical Investigations. 1803.2 Investigations Required. Revise section 1803.2 as follows: 1803.2 Investigations Required. Geotechnical investigations must be conducted in accordance with sections 1803.3 through 1803.5. Geotechnical investigations must be prepared by a registered design professional. Recommendations included in the report and approved by the city of Elko must be incorporated in the construction documents. Geotechnical investigations must be required for all projects that require new foundations. Exemptions. At the option of the city of Elko, the following projects may be exempted from having a geotechnical investigation:

1. Single story structures, additions, or remodels with a footprint less than 600 square feet.

2. Fences.

3. Site retaining walls less than 4 feet in retained height.

4. Mobile homes, trailers, modular buildings that do not have concrete or masonry foundations.

5. Pre-engineered carports.

6. Signs, light poles, and communication towers less than 40 feet in height.
1803.3.2 Minimum Exploration Requirements.
Add a new subsection 1803.3.2, Minimum Exploration Requirements, as follows:

## Section 1803.2 Investigations required

Amend Section 1803.2 to read as follows:

1803.2 Investigations required. Geotechnical investigations shall be conducted in accordance with Sections 1803.3 through 1803.5.17

Exception: The building official-need not require a geotechnical investigation where satisfactory data from adjacent areas is provided by a licensed design professional available that demonstrates an investigation is not necessary for any of the conditions in Sections 1803.5.1 through 1803.5.6 and Sections 1803.5.10 and 1803.5.11.

1803.3.2 Minimum Exploration Requirements.
The minimum exploration requirements are as follows:
1. For areas less than or equal to one acre, a minimum of two explorations.

2. For areas greater than one acre, but less than five acres, a minimum of one exploration for the first acre and one for each additional two acres, or portion thereof.

3. For areas greater than five acres, but less than twenty acres, a minimum of three explorations plus one additional exploration for each three acres or fraction thereof above five.

4. For areas greater than twenty acres, a minimum of eight explorations plus one additional exploration for each five acres or fraction thereof above twenty.

5. Building additions of less than 2,000 square feet require a minimum of one exploration.

6. For signs, light poles, and communication towers whose locations are known and only that area of the site is

to be developed, a minimum of one exploration is required.

7. The minimum depth of the exploration must be fifteen feet. Exploration depth must be increased as necessary to evaluate the suitability of the material within the foundation's depth of influence as determined by the registered design professional. The explorations can be terminated should refusal be encountered. However, at least three-fourths of the required explorations must be to the minimum depth. The geotechnical report must clearly state the refusal criteria. When information regarding the proposed structure and the final grades is made available, the registered design professional must determine if the explorations originally documented in the geotechnical report meet the depth requirements.

1803.5.8 Compacted Fill Material.

Add new items #8 and #9 to subsection 1803.5.8 as follows: 8. Flooding or jetting must not be used to compact fill material that will support footings or foundation systems.

9. Placement Procedures for Oversized Fill/Backfill Material.

No rock or similar irreducible material with a maximum dimension greater than 12 inches must be buried or placed in fills/backfills within five feet measured vertically, from the bottom of the footing or lowest finished floor elevation, whichever is lower, nor three feet measured horizontally from any footing, stemwall, basement wall or structural element, within the building pad. Oversized fill material must be placed so as to assure the filling of all voids with well-graded soil. Specific placement and inspection criteria must be stated in the geotechnical investigation. Continuous special inspection will be required during placement of any oversized fill material.

1803.6 Reporting.

Revise Amend section 1803.6 and add new items 5, 7, 13 through 22 as follows:

# 1803.6 Reporting.

Where geotechnical investigations are required, a written report of the investigation must be submitted to the city of Elko by the owner or authorized agent at the time of permit application. The geotechnical report must include, but need not be limited to, the following information:

1. A plot showing the location of the test borings, excavations, and/or investigations. The plot must be dimensioned and must show the approximate location of all existing and proposed structures.

2. A complete record of the soil boring and penetration test logs and soil samples.

3. A record of the soil profile.

4. Depth to the water table, if encountered.

5. Anticipated approximate cut and fill depths.

6. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefaction, differential settlement, and varying soil strength; and the effects of adjacent loads. Provide provisions to mitigate the effects of collapsible soils, soluble soils, uncontrolled fill, chemical heave, and corrosive soils. Provide supporting test data.

7. Caliche and cemented soils considerations, if encountered. Recommendations for the removal of caliche and

cemented soils and/or the preparation and grading for foundations on caliche and cemented soils.

8. Expected total and differential settlement.

9. Deep foundation information in accordance with section 1803.5.5.

10. Special design and construction provisions for foundations of structures founded on expansive soils, as necessary.

11. Compacted fill material properties and testing in accordance with section 1803.5.8. Provide provisions to mitigate the effects of collapsible soils, soluble soils, uncontrolled fill, chemical heave, and corrosive soils.

12. Controlled low-strength material properties and testing in accordance with section 1803.5.9.

13. Soil classification by the unified soil classification system (ASTM D 2487). As an alternative, classification may be performed on a visual-manual basis (ASTM D 2488) in the field by an individual with a degree in civil engineering, engineering geology, geologic engineering, or geology. Backup data must be included for at least one sample for every two (2) excavations and/or borings distributed among the prominent horizons in the soil profile.

14. Classify the expansion level of the soil and specify the minimum embedment depth per table 1808.6.1.1.

15. Address, if applicable, the possible impacts on adjoining properties and mitigating measures to be undertaken.

16. Suitability of onsite soils for use as fill material.

17. Provide grading requirements for onsite and import soils (where applicable) including, but not limited to, swell, solubility, and sulfates.

18. Geotechnical design considerations for drainage structures, as applicable.

19. Erosion control requirements, as applicable.

20. Anticipated structural loads and type of proposed structure.

21. Site class per table 1613.5.5, including all test data and supporting calculations.

22. All geotechnical reports must be current within the last 12 months. Any report older than 12 months must be accompanied by a wet sealed update letter addressing the current site conditions based on a recent site visit.

Section 1804 - Excavation, Grading And Fill. 1804.3 Site Grading. Revise section 1804.3 as follows:

### 1804.3 Site Grading.

The ground immediately adjacent to the foundation must be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 5-percent slope must be provided to an approved alternative method of diverting water away from the

foundation. Swales used for this purpose must be sloped a minimum of 1 percent along the flow line where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation must be sloped a minimum of 2 percent away from the building.

Exception:

Where low expansive, low collapsible, low soluble soil conditions occur or where an exterior asphalt or concrete surface abuts a building, the slope of the ground away from the building foundation is permitted to be reduced to not less than one unit vertical in 48 units horizontal (2-percent slope).

The procedure used to establish the final ground level adjacent to the foundation must account for additional settlement of the backfill.

Section 1805 - Damp-Proofing and Waterproofing.

1805.2.1 Floors. Revise subsection 1805.2.1 as follows:

1805.2.1 Floors.

Damp-proofing materials for floors must be installed between the floor and the base course required by section 1805.4.1, except where a separate floor is provided above a concrete slab. Where installed beneath the slab, damp-proofing must consist of not less than 10-mil (.010 inch; 0.254 mm) polyethylene with joints lapped not less than 6 inches (152 mm) or other approved methods or materials. Where permitted to be installed on top of the slab, damp-proofing must consist of mopped-on bitumen, not less than 4-mil (.004 inch; 0.012 mm) polyethylene, or other approved methods or materials. Joints in the membrane must be lapped and sealed in accordance with the manufacturer's installation instructions.

### SECTION 1807 2.1.1 ROCKERY RETAINING WALLS

Amend Section 1807.2 adding Section 1807.2.1.1 as follows:

1807.2.1.1 Rockery retaining walls.

Rockery retaining walls or rockery soil stabilization walls shall not be subject to surcharges, such as building foundations, adjacent retaining structures, slopes or vehicle surcharge. Rockery walls over four feet in height shall be engineered and shall have special inspection. The special inspection shall verify all of the specified items listed below. Wall height is determined from the bottom of the footing to the adjacent grade at the top of the wall. Structures adjacent to rockery wall shall be set back a minimum distance equal to the height of the wall. As described above, drainage shall be provided behind all engineered rockery walls. A global stability analysis shall be performed for all rockery walls that are terraced. No single tier shall exceed 8 feet in height. The Engineer shall specify on the construction documents:

- 1. Type and quality of rock.
- 2. Unit weight, if design exceeds 155 pcf.
- 3. Rock size in approximate diameter
- 4. Rock placement voids greater than 3" shall be filled
- 5. Drainage swale and system
- 6. Embedment
- 7. Wall face slope (batter 6v:1H recommended)
- 8. Mechanically stabilized earth, if specified

### A Global Stability Analysis shall include the following:

- 1. Shall be stamped by a licensed geotechnical engineer.
- 2. Shall include a seismic evaluation representative of the location.
- 3. All results of the analysis shall be included in the report.

Section 1807 - Foundation Walls, Retaining Walls And Embedded Posts And Poles. 1807.2.4 Slope Stability Analysis.

Add a new subsection 1807.2.4 Slope Stability Analysis as follows:

### 1807.2.4 Slope Stability Analysis.

Retaining walls greater than ten feet in height must be required to submit a slope stability analysis performed by a registered design professional. Multiple terraced (also sometimes referred to as stacked or tiered) retaining walls with a total height of sixteen feet or more must require a slope stability analysis. Total height must be measured from the bottom of the foundation to the top of the retaining wall(s). The minimum factor of safety of 1.5 is required for all failure modes under static loading conditions.

# 1808.6.1 FOUNDATIONS

# Amend Section 1808.6.1 to read as follows:

<u>1808.6.1 Foundations. Foundations placed on or within the active zone of expansive soils shall be designed to resist</u> <u>differential volume changes and to prevent structural damage to the supported structure. Deflection and racking</u> <u>of the supported structure shall be limited to that which will not interfere with the usability and serviceability of</u> <u>the structure.</u>

Foundations placed below where volume change occur or below expansive soil shall comply with the following provisions:

- 1. <u>Foundations extending into or penetrating expansive soils shall be designed to prevent uplift of the supported structure.</u>
- 2. <u>Foundations penetrating expansive soils shall be designed to resist forces exerted on the foundation</u> <u>due to soil volume changes or shall be isolated from the expansive soil.</u>

Post-tensioned slabs shall not be utilized in place of frost depth footing design unless super structure deflection and differential movement calculations are provided. The deflection calculations would need to show that the maximum combined frost and expansive soil heaving, as localized at slab edges, with resultant non-uniformly distributed deflections, as well as whole slab deflections would not result in super structure racking or excessive truss, roof or wall frame movement.

# SECTION 1809.5 FROST PROTECTION

# Amend Section 1809.5(1) to read as follows:

<u>1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent</u> supports of buildings and structures shall be protected from frost by one or more of the following methods:

- 1. <u>Extending below the frost line of the locality. Refer to 2018 Northern Nevada Amendments</u> Appendix Table R201.2(1) for requirements of local Authorities Having Jurisdiction.
- 2. Constructing in accordance with ASCE 32.
- 3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I.

- 2. <u>Area of 600 square feet (56 m²) or less for light-frame construction or 400 square feet (37 m²) or less</u> for other than light-frame construction.
- 3. Eave height of 10 feet (3048 mm) or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

Chapter 19 - Concrete Section 1910 - Minimum Slab Provisions. 1910.1 General. Revise section 1910.1 as follows:

### 1910.1 General.

The thickness of concrete floor slabs supported directly on the ground must not be less than  $3^{4}/_{2}$  inches (89 mm). A 10-mil (.010 inch; 0.254 mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152 mm) must be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods must be used to retard vapor transmission through the floor slab. Exception:

The vapor retarder is not required:

1. For detached structures accessory to occupancies in group R-3, such as garages, utility buildings, or other unheated facilities.

2. For unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports attached to occupancies in group R-3.

3. For buildings of other occupancies where migration of moisture through the slab from below will not be detrimental to the intended occupancy of the building.

4. From driveways, walks, patios and other flatwork which will not be enclosed at a later date.

5. Where approved based on local site conditions.

#### Chapter 23 - Wood

Section 2308 - Conventional Light-Frame Construction. 2308.9.8 Pipes In Walls. Revise subsection 2308.9.8 as follows:

2308.9.8 Pipes In Walls.

Stud partitions containing plumbing, heating, or other pipes must be so framed and the joists underneath so spaced as to give proper clearance for the piping. Where a partition containing such piping runs parallel to the floor joists, the joists underneath such partitions must be doubled and spaced to permit the passage of such pipes and must be bridged. Where plumbing, heating, or other pipes are placed in or partly in a partition, necessitating the cutting of the soles or plates, a metal tie not less than 0.058 inch (1.47 mm) (16 galvanized gage) and  $1^{1}/_{2}$  inches (38 mm) wide must be fastened to each plate across and to each side of the opening with not less than six  $1^{1}/_{2}$ " x 0.148" minimum nails.

Chapter 29 - Plumbing Systems

### SECTION 2901.1 SCOPE

Amend Section 2901.5 to read as follows:

2901.1 Scope. The provisions of this chapter and the Uniform Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1209. The International Fire Code, Uniform Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The International Existing Building code and the Uniform Plumbing Code shall govern the alteration, repair, relocation, replacement and addition of plumbing components, appliances, equipment and systems.

SECTION 2902.1 MINIMUM NUMBER OF FIXTURES

Amend Section 2902.1 to read as follows:

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code. Suitable toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction.

### TABLE 2902.1 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

Amend Table 2902.1 to read as follows:

### [P] TABLE 2902.1

### MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a (See Sections 2902.1.1 and 2902.2)

No	CLASSIFICATI	DESCRIPTION	WATE CLOSETS	<u>R</u>	LAVA	TORIES	BATHTU	DRINKING FOUNTAINS	OTHE
1	<u>ON</u>		<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>	<u>BS/</u> SHOWE <u>RS</u>		R
		<u>Theaters and</u> <u>other buildings</u> <u>for the per-</u> <u>forming arts and</u> <u>motion</u> <u>pictures^d</u>	<u>1 per 125</u>	<u>1 per 65</u>	<u>1 pe</u>	er 200	=	<u>1 per 500</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
1	<u>Assembly</u>	<u>Nightclubs,</u> <u>bars, taverns,</u> <u>dance halls and</u> <u>buildings for</u> <u>similar</u> <u>purposes^d</u>	<u>1 per 40</u>	<u>1 per 40</u>	<u>1 p</u>	<u>er 75</u>	=	<u>1 per 500</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
		<u>Restaurants,</u> <u>banquet halls</u> <u>and food</u> <u>courts^d</u>	<u>1 per 75</u>	<u>1 per 75</u>	<u>1 pe</u>	er 200	=	<u>1 per 500</u>	1 servi <u>ce</u> sink

Casino gaming areas 250 the rem	nd 1 per 50 forand 1 per 150 for thesemainder xceedingremainder exceeding	<u>1 per 250 for the</u> <u>first</u> <u>750 and 1 per</u> <u>500 for the</u> <u>remainder</u> <u>exceeding</u> <u>750</u>	=	<u>1 per 1,000</u>	<u>1</u> servi <u>ce</u> <u>sink</u>
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# [P] TABLE 2902.1—(continued) MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a

				ons 2902.1.1	and 290	2.2)			
No	CLASSIFICATI	DESCRIPTION	WATE	R CLOSETS ⁿ	LAVAT	ORIES	BATHTU	DRINKING FOUNTAINS	OTHER
:	<u>ON</u>		<u>Male</u>	<u>Female</u>	Male	<u>Female</u>	<u>BS/</u> SHOWE <u>RS</u>		
		Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums ^d	<u>1 per</u> <u>125</u>	<u>1 per 65</u>	<u>1 per</u>	<u>· 200</u>	=	<u>1 per 500</u>	<u>1</u> <u>ce</u> <u>sink</u>
1	<u>Assembly</u>	Passenger terminals and transportation facilities ^d	<u>1 per</u> <u>500</u>	<u>1 per 500</u>	<u>1 per</u>	<u>r 750</u>	=	<u>1 per</u> <u>1,000</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
		<u>Places of worship</u> and other religious services ^d	<u>1 per</u> <u>150</u>	<u>1 per 75</u>	<u>1 per</u>	<u>r 200</u>	=	<u>1 per</u> <u>1,000</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
		Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remain- der exceed- ing 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remain- der exceed- ing 1,520	<u>1 per</u> 200	<u>1 per</u> <u>150</u>	=	<u>1 per</u> <u>1,000</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
		<u>Stadiums,</u> <u>amusement</u> <u>parks, bleachers</u> <u>and</u> <u>grandstands for</u> <u>outdoor</u> <u>sporting events</u> <u>and activities^f</u>	1 per 75 for the first 1,500 and 1 per 120 for the remain- der exceed- ing 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remain- der exceed- ing 1,520	<u>1 per</u> 200	<u>1 per</u> <u>150</u>	=	<u>1 per</u> <u>1,000</u>	<u>1</u> <u>ce</u> <u>sink</u>

2	<u>Business</u>	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial, ambulatory care and similar uses	<u>1 per 25 for the first</u> <u>50</u> and 1 per 50 for the remainder exceeding 50	<u>1 per 40 for the</u> <u>first 80 and 1</u> <u>per 80 for the</u> <u>remain- der</u> <u>exceeding 80</u>	=	<u>1 per 100</u>	1 servi ce sink ^e
<u>3</u>	<u>Educational</u>	Educatio nal facilities	<u>1 per 50</u>	<u>1 per 50</u>	=	<u>1 per 100</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
4	Factory and industrial	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	<u>1 per 100</u>	<u>1 per 100</u>	=	<u>1 per 400</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
		Custodial care facilities	<u>1 per 10</u>	<u>1 per 10</u>	<u>1 per 8</u>	<u>1 per 100</u>	1 servi ce sink
<u>5</u>	<u>Institutional</u>	Medicalcarerecipientsinhospitalsandnursing homes ^b	<u>1 per room^C</u>	<u>1 per room^c</u>	<u>1 per</u> <u>15</u>	<u>1 per 100</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>
		Employees in hospitals and nursing homes ^b	<u>1 per 25</u>	<u>1 per 35</u>	=	<u>1 per 100</u>	=
	5	<u>Visitors in</u> hospitals and nursing homes	<u>1 per 75</u>	<u>1 per 100</u>	=	<u>1 per 500</u>	=
		<u>Prisons</u> b	<u>1 per cell</u>	<u>1 per cell</u>	<u>1 per</u> <u>15</u>	<u>1 per 100</u>	<u>1</u> <u>servi</u> <u>ce</u> <u>sink</u>

### [P] TABLE 2902.1—continued MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a (See Sections 2902.1.1 and 2902.2)

	(See Sections 2902.1.1 and 2902.2)								
			WATER CLO	<u>DSETS</u>	LAVA	TORIES	BATHTU	<u>DRINKING</u> FOUNTAIN	
No	CLASSIFICATI	DESCRIPTION		_			BS/	<u>S</u>	OTHER
:	<u>ON</u>		Male	<b>Female</b>	<u>Male</u>	Female	SHOWE RS		
<u>5</u>	Institutional	Reformatories, detention centers and correctional centers ^b	<u>1 per </u>	<u>15</u>	<u>1 pe</u>	<u>r 15</u>	<u>1 per</u> <u>15</u>	<u>1 per 100</u>	<u>1</u> service sink
		Employees in reformatories, detention centers and correctional centers	<u>1 per :</u>	25	<u>1 pe</u>	<u>r 35</u>	=	<u>1 per 100</u>	_
		Adult day care and child day care	<u>1 per </u>	<u>15</u>	<u>1 pe</u>	<u>r 15</u>	1	<u>1 per 100</u>	<u>1</u> service sink
<u>6</u>	<u>Mercantile</u>	Retail stores, service stations, shops, sales- rooms, markets and shopping centers	<u>1 per 5</u>	500	<u>1 pe</u>	r 750	=	<u>1 per 1,000</u>	<u>1 service</u> sink ^e
		Hotels, motels, boarding houses (transient)	<u>1 per slee</u>	ping unit	<u>1 per s</u> unit	leeping	<u>1 per</u> sleepi ng unit	=	<u>1</u> service sink
		Dormitories, fraternities, sororities and boarding houses (not transient)	<u>1 per</u>	<u>10</u>	<u>1 pe</u>	<u>r 10</u>	<u>1 per 8</u>	<u>1 per 100</u>	<u>1</u> service sink
Z	<u>Residential</u>	<u>Apartment house</u>	<u>1 per dwe</u>	<u>lling unit</u>	<u>1 per d</u> <u>unit</u>	lwelling	<u>1 per</u> dwelli ng unit	=	1 kitchen sink per dwelling unit; 1 automat ic clothes washer connecti on per 20 dwelling

		One- and two- family dwellings and lodging houses with five or fewer guestrooms	<u>1 per dwelling unit</u>	<u>1 per 10</u>	<u>1 per</u> dwelli ng unit	=	1 kitchen sink per dwellin g unit; 1 automa tic clothes
		Congregate living facilities with 16 or fewer persons	<u>1 per 10</u>	<u>1 per 10</u>	<u>1 per 8</u>	<u>1 per 100</u>	<u>1</u> service sink
8	<u>Storage</u>	Structures for the storage of goods, warehouses, storehouses and freight depots, low and moderate hazard	<u>1 per 100</u>	<u>1 per 100</u>	_	<u>1 per 1,000</u>	<u>1</u> service sink

 a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by this code.
 b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.

c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted, provided that each patient sleeping unit has direct access to the toilet room and provisions for privacy for the toilet room user are provided.

d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

e. For business and mercantile classifications with an occupant load of 30 or fewer, a service sink shall not be required.

f. The required number and type of plumbing fixtures for outdoor swimming pools shall be in accordance with Section 609of the International Swimming Pool and Spa Code.

g. Drinking fountains are not required for an occupant load of 30 or fewer.

h. For business and mercantile classifications with an occupant load of 30 or fewer, a service sink shall not be required.

i. In each bathroom or toilet room, urinals shall not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals shall not be substituted for more than 50 percent of the required water closets in all other occupancies.

### Table 2902.1 Minimum Number Of Required Plumbing Fixtures.

Revise table 2902.1 by adding A-2 Casinos, revising the column titles and footnote "f", and by adding new footnotes "g" and "h", as follows:

[P] TABLE 2902.1

MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES*-

<del>No</del>	Classification-				<del>- Closets</del> hals ^h )-	Lava	Lavatories- Bathtubs/ Drinking	Drinking		
		Occupancy-	Description-	Male-	Female	Male-	Female-	Showers	Fountains ^{e,f,g} _	Other
1-	Assembly-	<mark>A-2</mark> [∉] −	<del>Casinos</del> -	<del>1:1-</del> <del>100</del> -	<del>3:1-50</del> -	1:1	-200-	-	-	
		4:51-     2:201-400-       100-     100-     3:401-750-       200-     200-     200-			1					
			<del>1-750</del>							
				<del>3:201-</del> 4 <del>00</del> -	<del>8:201-</del> 4 <del>00-</del>	Over 75 one fixt	ure for			<del>service</del> <del>sink</del>
				each additionalOver 400, add500 personsone fixture eachadditional 250males, and one						
	-		for each females							

Remainder of rows 1 through 8 to remain unchanged.

(See Sections 2902.2 And 2902.3)

a. The fixtures are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants must be determined by this code.

b. Toilet facilities for employees must be separate from facilities for inmates or patients.

c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units must be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.

d. The occupant load for seasonal outdoor seating and entertainment areas must be included when determining the minimum number of facilities required.

e. The minimum number of required drinking fountains must comply with table 2902.1 and chapter 11. f. Drinking fountains and service sinks are not required for an occupant load of 30 or fewer.

g. Where water is served in restaurants and similar occupancies, drinking fountains must not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers that provide water to occupants free of charge must be permitted to be substituted for not more than 50 percent of the required drinking fountains.

h. In each bathroom or toilet room, urinals must not be substituted for more than 67 percent of the required water closets in assembly and educational occupancies. Urinals must not be substituted for more than 50 percent of the required water closets in all other occupancies.

#### SECTION 3102.7 ENGINEERING DESIGN

#### Amend Section 3102.7 to read as follows:

3102.7 Engineering design. The structure shall be designed and constructed to sustain dead loads; loads due to tension or inflation; live loads including wind, snow, flood and seismic loads and in accordance with Chapter 16.

Exception: Membrane structures intended to be in place for 30 days or less may be engineered to risk category I loads provided the installation and use are per the manufacturer's recommendations.

Chapter 34 – Existing Structures Section 3403 – Additions. 3403.1 General. Revise section 3403.1 as follows: 3403.1 General.

Additions to any building or structure must comply with the requirements of this code for new construction. Alterations to the existing building or structure must be made to ensure that the existing building or structure together with the addition are no less conforming with the provisions of this code than the existing building or structure was prior to the addition. An existing building together with its additions must comply with the height and area provisions of chapter 5. The portions of the building or structure not altered and not affected by the alterations are not required to comply with the height provisions for a new structure.

Section 3404 - Alterations.

3404.1 General.

Revise section 3404.1 as follows:

3404.1 General.

Except as provided by section 3401.4 or this section, alterations to any building or structure must comply with the requirements of the code for new construction. Alterations must be such that the existing building or structure is no less complying with the provisions of this code than the existing building or structure was prior to the alteration. Exceptions:

1. An existing stairway must not be required to comply with the requirements of section 1009 where the existing space and construction does not allow a reduction in pitch or slope.

2. Handrails otherwise required to comply with section 1009.12 must not be required to comply with the requirements of section 1012.6 regarding full extension of the handrails where such extensions would be hazardous due to plan configuration.

3. The building or structure must not be required to comply with the height and area provisions of chapter 5 for a new structure.

Section 3411 - Accessibility For Existing Buildings. 3411.8.15 Check-Out Aisles. Add new section 3411.8.15 as follows: 3411.8.15 Check-Out Aisles. Where check-out aisles are altered, at least one of each check-out aisle serving each function must be made accessible until the number of accessible check-out aisles complies with section 1109.11.2.

Appendices C, E, H, I, and O

#### Adopt Appendices C, E, H, I, and 0 in their entirety without amendment.

Appendix J – Grading Section J102 – Definitions. J102.1 Definitions. Revise section J102.1 Definitions to read as follows:

Grading. An excavation, clearing and grubbing of vegetation, or fill or combination thereof.

Building Pad. The soil, cut or fill site, outlined by the area of the footprint of the building plus a minimum of 5 additional feet (1529 mm) to the exterior. This includes any type of foundation system for the structure.

Certify. Use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification.

Fault. A fracture or zone of fracturing in geologic materials (soil or rock) along which there has been displacement of the sides relative to one another parallel to the fracture.

Final Grading Report. A grading report stamped and signed by a registered design professional certifying that the building pad was constructed in conformance with the recommendations set forth in the geotechnical report. This report contains explicit information and data that verifies compliance with the geotechnical report of record including any approved supplements or addendums.

Geotechnical Report (Soils Report). Data and engineering recommendations resulting from site exploration which evaluates the soil conditions and general site characteristics and suitability of the site for the proposed construction. A registered design professional must prepare and seal the report.

Pad Certification Report. An interim grading report stamped and signed by a registered design professional certifying that the building pad currently is in conformance with the recommendations set forth in the geotechnical report of record.

Pad Recertification Report. A report stamped and signed by a registered design professional certifying that the building pad currently is in conformance with the recommendations set forth in the geotechnical report of record. This report contains explicit information and data that verifies compliance to the geotechnical report of record including any approved supplements or addendums.

Refusal. Refusal while advancing an exploration is recognized as defined by ASTM D 1586-08a.

Adopt Appendix J in its entirety with the following amendments:

Section J102.1 Definitions.

**Revise the definition of "GRADING" as follows:** 

<u>GRADING. An excavation, inclusive of clearing and grubbing of vegetation, or fill or</u> <u>combination thereof.</u>

Add new definitions in Section J102.1 for Building Pad, Certify, Fault, Fault, Final Grading Report, Geotechnical Report (Soils Report), Pad Certification Report, Pad Recertification Report, and Refusal as follows:

**BUILDING PAD.** The soil, cut or fill site, outlined by the area of the footprint of the building plus a minimum of 5 additional feet (1529 mm) to the exterior. This includes any type of foundation system for the structure.

<u>CERTIFY.</u> Use of the word "certify" or "certification" constitutes an expression of professional opinion regarding those facts or findings which are the subject of the certification.

FAULT. A fracture or zone of fracturing in geologic materials (soil or rock) along which there has been displacement of the sides relative to one another parallel to the fracture.

FINAL GRADING REPORT. A grading report stamped and signed by a registered design professional certifying that the building pad was constructed in conformance with the recommendations set forth in the geotechnical report. This report contains explicit information and data that verifies compliance with the geotechnical report of record including any approved supplements or addendums.

GEOTECHNICAL REPORT (SOILS REPORT). Data and engineering recommendations resulting from site exploration which evaluates the soil conditions and general site characteristics and suitability of the site for the proposed construction. A registered design professional shall prepare and seal the report.

**PAD CERTIFICATION REPORT.** An interim grading report stamped and signed by a registered design professional certifying that the building pad currently is in conformance with the recommendations set forth in the geotechnical report of record.

PAD RECERTIFICATION REPORT. A report stamped and signed by a registered design professional certifying that the building pad currently is in conformance with the recommendations set forth in the geotechnical report of record. This report contains explicit information and data that verifies compliance to the geotechnical report of record including any approved supplements or addendums.

# **REFUSAL. Refusal while advancing an exploration is recognized as defined by ASTM D 1586-08a.**

J103.2 Exemptions.

A grading permit must not be required for the following:

1. Excavation for construction of a structure permitted under this code.

2. Cemetery graves.

3. Refuse disposal sites controlled by other regulations.

4. Excavations for wells or trenches for utilities.

5. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate, or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

6. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix must not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the city.

Section J103 - Permits Required.

J103.2 Permit Exemptions.

Delete exemption #1 in section J103.2 and re-number the remaining exemptions sequentially as follows:

J103.3 Hazards. Add a new section J103.3 Hazards as follows:

J103.3 Hazards.

Whenever the city of Elko determines that any existing excavation, embankment, or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way, easement, storm sewer system, or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the city of Elko, must, within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

Section J104 - Permit Application And Submittals. J104.1 Submittal Requirements. Revise section J104.1 as follows: J104.1 Submittal Requirements. In addition to the provisions of section 105.3, the applicant must state the estimated quantities of excavation and fill. All projects that require grading must have a grading plan prepared, stamped, and signed by a registered design professional. Exception:

At the option of the city of Elko, if the structure is located outside of a flood hazard area the following projects may be exempted from having a grading plan. Projects exempted from a grading plan must still comply with the grading and drainage requirements in the IBC.

1. Single story structures or additions with a footprint less than 600 square feet.

2. Patio covers, decks, and canopies associated with a single_family residence.

3. Mobile homes, trailers, modular buildings that do not have concrete or masonry foundations.

4. Pre-engineered carports.

5. Signs, light poles, and communication towers. J104.2 Grading Plan Requirements. Revise section J104.2 in its entirety, as follows:

J104.2 Site (Grading) Plan Requirements.

All grading plans must be prepared, stamped, and signed by a registered design professional. The following items must be included on all grading plan submittals. 1. General vicinity of the proposed site.

2. Property limits and accurate contours of existing ground and details of terrain and area drainage.

3. Limiting dimensions, elevations or finish contours to be achieved by the grading, proposed drainage channels, and related construction.

4. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 100 feet of the property or that may be affected by the proposed grading operations.

5. Recommendations included in the geotechnical report must be incorporated in the grading plans or specifications as follows:

a. Locations and dimensions of all cut and fill slopes,

b. Locations of all cross sections presented in the geotechnical report,

c. Locations and sizes of all recommended remedial measures such as buttress fills, stability fills, deep foundation systems, reinforced earth, retaining walls, etc.,

d. Location and layout of proposed subdrainage system.

6. A statement that the site must be graded in accordance with the approved geotechnical report. This statement must include the firm name that prepared the geotechnical report, the

report number, and the date of the geotechnical report.

7. Locations of other existing topographic features either natural or man-made such as streets, drainage structures, pavements, walls, mining pits, etc.

8. The cut to fill transition line.

9. Positive drainage away from the foundation per section 1804.3.

10. Details and cross sections at property lines, fence walls, retaining walls, berms, etc.

11. Elevation datum and benchmarks (NAVD 88).

12. Existing contours at least 100 feet beyond the property lines.

13. Proposed finish contours or spot elevations at the property corners, building pad, and at swale flow lines.

14. Elevations of curbs or centerlines of roads or streets.

15. Earthwork quantities in cubic yards.

16. Finish floor elevations.

17. Details and cross sections of typical fill slopes and cut slopes.

18. Typical details of fill-over-natural slopes and fill-over-cut slopes where fill is to be placed on natural or cut slopes steeper than 5H:1V in accordance with section J107.

19. Setback dimensions of cut and fill slopes from site boundaries per section J108.

20. The placement of buildings and structures on and/or adjacent to slopes steeper than 3H:1V (33.3% slope) must be in accordance with section 1808.7.

21. Provide terracing in accordance with section J109 for slopes steeper than 3H:1V (33.3% slope).

22. Provide the locations and dimensions of all terrace drains for all slopes steeper than 3H:1V in accordance with section J109.

23. The standard notes specified in the city of Elko Construction Site Best Management Practice Guidance Manual (most current edition).

24. Registered design professional original seal (wet seal), signature and date or a records stamp and signature stating, "This is a true and exact copy of the original document on file in this office."

J104.3 Geotechnical Report. Revise section J104.3 as follows:

J104.3 Geotechnical Report.

A geotechnical report prepared by a registered design professional must be provided. The report must comply with section 1803.6.

Section J105 - Inspections. Revise section J105 in its entirety, as follows:

J105.1 General.

Inspection of grading operations must comply with the provisions of this section. The permittee must be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The permittee must engage an approved agency, if required by the city of Elko.

J105.1.1 Completion <u>of</u> Work <u>and</u> Final Reports. Report submittal must be in compliance with section 1704.1.2.

J105.1.2 Final Grading Report.

Upon completion of pad grading (or foundation excavation) and prior to a footing or foundation inspection, a final grading report must be provided by an approved agency. Grading (or foundation excavation) must be observed and tested by an approved agency. The approved agency must prepare the report, signed by a registered design professional certifying that the grading and earthwork are complete and substantially comply with the requirements of the geotechnical report of record including any approved supplements or addenda. At the option of the city of Elko, a pad certification report submitted in accordance with section J105.1.3 may be accepted as an interim report prior to a footing or foundation inspection. A final grading report will then be required prior to receiving a final inspection.

The final grading report itself will contain all applicable test data and analysis of the data. Specific project information is also required if there were any changes to the geotechnical report of record or unusual circumstances encountered during grading. The report must also include the following information:

1. Compaction test results, requirements, locations, depth of backfill at test locations and names of technicians conducting the tests.

2. Moisture density values and curves that include classifications for all soils used in the grading operation.

3. Description of structure or pad including the proposed use.

4. Grading plan showing approximate locations of tests, dates and depths of over-excavation observations, original contours and finish pad elevations.

5. Swell and solubility test requirements and results. This information must be provided if required by the geotechnical report of record, elsewhere in the code, or if imported soils were utilized.

6. Type of foundation system applicable to work being certified (i.e., spread footings, strip footings, combination footings, drilled shafts, etc.).

7. Import material used, source of import, and tests indicating compliance with the geotechnical report of record recommendations, and classification in relation to ACI 318-08 section 4.3.

8. A statement describing the process of pad grading. Where applicable, this must include, but not be limited to the minimum depth of over-excavation, blending operations, the use of import soils, nested aggregate, organics encountered, and removal of unsuitable soils.

9. The preceding requirements must be presented for each pad or structure being certified.

The final grading report remains valid for a maximum of six months after the completion of grading. The six month period begins at the first test date of the final test of the final lift of the structural pad. Once expired, a pad re-certification report is required.

#### J105.1.3 Pad Certification Report.

This letter/report is used as an interim document until a final grading report is completed (i.e., a final grading report for the entire project or a particular phase(s) of a project). The approved agency must prepare this report signed by a registered design professional and certifying that the grading and earthwork are complete and substantially comply with the requirements of the geotechnical report of record including any approved supplements or addenda. Specific project information is also required if there were any changes to the geotechnical report of record or unusual circumstances encountered during grading.

This report must include the following information for each pad or structure:

1. The first test date of the final test of the final lift.

2. Permit number and pad or structure description.

3. Classification of foundation soils in relation to ACI 318-08 section 4.3.

4. Classification of foundation soil for expansive properties (i.e., non-expansive or results from standard 60 pounds per square foot swell test).

5. The name(s) of the approved special inspector(s) and any technicians that observed grading or foundation improvements.

6. This report remains valid for no longer than six months after the completion of grading. The six month period begins at the first test date of the final test of the final lift of the structural pad. Upon expiration, a final grading report and pad recertification report will be required.

#### J105.1.4 Pad Recertification Report.

This report is required when a final grading report or pad certification report has expired or if required by the city of Elko. The approved agency must prepare this report signed by a registered design professional certifying the current suitability of the pad(s). The condition of the pad(s) is discussed, tests performed and their results are presented and discussed, and any

additional grading or reworking is discussed. The conclusions are stated and based upon the current condition of the pad(s) compared to completion at original grading and a statement that the current condition of the pad(s) substantially complies with the requirements of the geotechnical report of record including any approved supplements or addenda.

As a minimum, pad moisture data and standard sixty pounds per square foot swell test results, if applicable, are included in this report. The tests must be conducted on a representative number of pads.

The report remains valid for no longer than six months after the latest test date. Once expired, the pad(s) recertification will require an evaluation by a registered design professional to confirm the applicability of current site conditions.

### J105.1.5 Finished Floor Elevation Certificate.

A registered design professional must certify the lowest habitable finished floor elevation to the elevation on the approved plans upon completion of the slab inspection and placement or the placement of the final construction form for the finished floor.

All certifications required by this section must be provided to and accepted by the city of Elko prior to performance of any additional inspections.

The minimum finished floor elevation must comply with the approved plans and the allowable tolerance must be minus (-) 0.0 feet to plus (+) 0.3 feet of the finished floor elevation detailed on the approved plans.

### J105.1.6 Drainage Compliance Report.

Upon completion of final grading, and prior to the final building inspection, a statement of compliance for drainage must be provided by the registered design professional of record or the developer when approved by the city of Elko.

This report must state that site conditions at the time of final construction provide positive drainage in compliance with the approved drainage plan or the plot and grading plan.

When engineered drainage features, facilities, or structures are required by the approved plans, the registered design professional of record must verify that installed and constructed elements are in compliance with the approved plans. This includes site detention, lot to lot drainage, and drainage conveyance devices.

#### J105.1.7 Notification Of Noncompliance.

If in the course of fulfilling their respective duties under this appendix, the registered design professional or the approved agency finds that the work is not being done in conformance with this appendix or the approved plans the discrepancies must be immediately reported in writing to the contractor, the permittee, and to the city of Elko.

#### J105.2 Special Inspections.

The special inspection requirements of section 1704 must apply to work performed under a grading permit where required by the city of Elko.

Appendix L - Fences, Walls <u>and</u> Retaining Walls Add a new appendix L Fences, Walls <u>and</u> Retaining Walls, as follows: Appendix L - Fences, Walls And Retaining Walls

Section L101 - General.

L101.1 General.

It will be unlawful for any person, contractor, firm or corporation to erect, install, construct or replace any fence, wall or retaining wall contrary to the provisions of this code.

L101.2 Applicable Regulations.

All regulations and requirements of the building code and any amendments, deletions and additions thereto must apply to the erection, installation or construction of any fence, wall and/or retaining wall except that which may be inconsistent with this chapter.

Section L102 - Definitions. L102.1 Definitions. For the purpose of this chapter, certain terms are defined as follows: Cut. See Excavation.

Excavation. The removal of earth material by artificial means, also referred to as a cut.

Fence. A structure of temporary or semi-permanent material such as wrought iron, wire, wood, screen, vinyl, plastic, etc., erected for purposes of enclosure, division of property or decoration.

Fill. The deposition placement of earth materials by artificial means.

Retaining Wall. Any wall that is used to resist the lateral displacement of earth or any other material with a difference in elevation of the material from one side to the other exceeding 24 inches (610 mm) in height.

Rockery Wall. A system of stacked rocks constructed to retain soil.

Wall. A structure of stone, brick, masonry, concrete or other similar permanent material, raised to some height and erected for purposes of enclosure, division of property or decoration. Section L103 - Permits.

L103.1 Permits Required.

No fence, wall or retaining wall regulated by this code, for which a permit is required, must be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each fence, wall or retaining wall is obtained from the city of Elko.

L103.2 Separate Permits Required.

A separate permit is required for each parcel of land upon which a fence, wall or retaining wall is to be located.

Exception: Only one permit is required for multiple fence(s), wall(s) and/or retaining wall(s) constructed along property lines in connection with the development of a subdivision, provided that a legal description of the property is submitted together with a dimensioned plot plan

showing the exact location of the fence, wall and/or retaining wall and all other recorded lot and easement lines.

L103.3 Application For A Fence, Wall Or Retaining Wall Permit. To obtain a permit, the applicant must first file an application on a form furnished by the city of Elko for that purpose. The application must include the following:

1. The name and address of the owner of the real property upon which the fence, wall and/or retaining wall is to be located.

2. The type of material to be used for construction of the fence, wall, and/or retaining wall.

3. The total length, height and square footage of each fence, wall and/or retaining wall.

4. The authorized agent to perform construction.

5. A dimensioned drawing that identifies the location of each fence, wall and/or retaining wall with respect to the property or lot lines, easements, streets, other rights-of-way. Existing construction and drainage features must be clearly identified on the drawings.

6. The location of all light standards, gas and water meters, and fire hydrants.

Other information deemed pertinent by the city.

L103.4 Drawings And Specifications.

Drawings and specifications required for retaining walls must be prepared by a registered design professional. The design must be in accordance with the applicable chapters of the IBC. Rockery walls must be designed in accordance with the IBC and must be prepared by a registered design professional. Specifications for fences and walls need not be submitted unless required by the city. Drawings and specifications must be submitted for retaining walls showing that the retaining wall is designed in accordance with this code.

Section L104 - General Requirements And Limitations. L104.1 General. General requirements and limitations must be as follows: 1. No fence, wall and/or retaining wall must be placed within a right-of-way unless granted permission by the city of Elko.

2. The height and location of a fence, wall and/or retaining wall must comply with all zoning ordinances and regulations of the city.

L104.2 Required Inspections.

1. All footings must be inspected to verify location to property line, structures, and compliance to the approved plans and permit. Footings must be excavated and cast against the earth.

2. Concrete foundations must not be placed until footings have been inspected and approved by the city.

3. No wall and/or retaining wall must be grouted until the reinforcing required has been inspected and approved by the city.

4. Retaining wall must not be backfilled until verification of the required damp-proofing, when required, and drainage has been inspected and approved by the city. L104.3 Natural Drainage.

Permits must not be issued for fences, walls and/or retaining walls, which would block any natural flow path.

#### L104.4 Prohibited Materials.

Walls, fences and retaining walls must not be constructed of materials which impose a direct safety hazard, such as pointed posts, stakes or pickets, components intended for electrocution, embedded glass, nails, barbed or razor type wire, or other sharp, cutting objects. Exception: Manufactured barbed or razor wire may be used when its detailed use, location, and construction requirements are approved by the city.

L104.5 Minimum Requirements For The Structural Analysis And Construction Of Rockery Walls. 1. A dimensioned drawing that identifies the location of each rockery wall with respect to the

property lines, easement, streets, and other rights of way. Existing construction, required setbacks as noted below, and drainage features must clearly be identified on drawings.

2. Cross section of wall showing the approximate rock size for each lift, maximum height, backfill, drainage, slope of ground, embedment, cuts, and required face inclination.

3. All rockery walls five feet (5') high and greater require engineering analysis.

4. All rockery walls five feet (5') high and greater require a geotechnical report.

5. The base rock must be embedded at least 12" into the soil. Placement of base rocks at grade followed by subsequent backfilling of the "toe area" must not be permitted unless specific recommendations are provided by the geotechnical and/or structural engineer(s). The base should be level and must not have a slope greater than 1 unit vertical to 10 units horizontal (10-percent); otherwise a stepped base is required.

6. The wall must have a face inclination ratio of at least 1 unit horizontal to 6 units vertical (1:6) measured at the exposed face of wall. The ratio may be greater than 1:6.

7. The surrounding site must be graded such that water cannot flow over the top of the wall.

8. Landscape materials, if used, must not have detrimental effect on the wall. The use of landscape materials in close proximity to rockery walls must be specifically addressed in the structural analysis.

9. Walls greater than ten feet high (10') must have a slope stability analysis performed by the geotechnical engineer.

10. Caliches and other "cemented soils" formed by precipitation must not be used in rockery wall construction unless special design considerations are provided to address their suitability for use.

11. The height of any single story rockery wall must not exceed 16 feet.

12. Rockery walls must not be constructed as the sole means of repair to provide stability to any unstable slope. In this case a rockery wall may only be used after the slope is first stabilized by MSE, soil nailing or some other approved engineered repair.

13. Multiple terraced (also sometimes referred to as stacked or tiered) rockery walls with a total height of 16 feet or more require a slope stability analysis performed by the geotechnical engineer. Total height must be measured from the bottom of the base rock at the lowest wall to the top of the highest wall.

14. Rockery walls five feet (5') high and greater: Rocks sized as "two man" (approximately 200-700 pounds and 18-28 inch nominal diameter) or greater must be tightly fitted and interlock with neighboring rocks. Smaller rocks may be intermittently used for "structural chinking" which allows large rocks to rest in a stable movement free position. Void spaces between larger rocks must be tightly filled or "aesthetically chinked" such that large gaps between rocks in the exposed face are reasonably well filled. There must be no loose rocks or scree present at any point in the exposed face or top of a rockery wall.

15. Rockery walls five feet (5') high and greater: No rocks smaller than the nominal "two man" size (approximately 200-700 pounds and 18-28 inch nominal diameter) will be permitted to be exposed in the front face or top rock layer. Tightly fitted smaller rocks used for the purpose of filling voids or "chinking" must not be subject to this limitation.

16. The setback from a rockery wall to a building or structure must be not less than the height of the retained earth. The distance must be measured from the outside of the foundation of the structure to the exposed face of the rockery wall. This provision applies to buildings or structures (except other site walls or fences) on either the height side or slow side of the rockery walls. Exception: Where rockery walls are less than five feet (5') in height this requirement may be waived at the option of the city of Elko.

17. Multiple rockery walls, designed as terraced (stacked or tiered) retaining walls, must be minimum distance of  $\frac{1}{2}$  the height of the lower rockery wall to another rockery wall. Surcharge loading from one wall to another must be considered in the design.

18. Ornamental fences, guards, or screen walls must be a minimum of four feet (4') from the front face at the top of the rockery wall. Ornamental fences, guards, or screen walls must have their own foundations and not rely on the rockery wall for structural support.

19. Rockery walls must be set back the required distances from fire hydrants, light standards, gas meters, water meters, electrical transformers, utility boxes or similar features. These distances must be established and enforced by the city of Elko. Where permitted, rockery walls located within a utility or other easement must be in accordance with the published standards of the city.

20. All structural analysis must be in accordance with adopted building codes, and local amendment adopted by the city of Elko, and this document.

21. The minimum factor of safety for sliding and overturning in a rockery wall must be in accordance with the adopted codes and regulations of the city of Elko.

22. The following analysis provisions apply:

a. The maximum unit weight of the rocks used in the design of a rockery wall must be 155 pcf unless field verified by special inspection or preconstruction lab analysis of samples from the source rock materials.

b. The maximum coefficient of friction between rocks in a rockery wall is 0.5.

c. Applied loads from adjacent foundations, surcharge materials, or dynamic/transient loads must be taken into consideration in the analysis.

d. Specifications must be provided to clearly define acceptance criteria for rock materials.

e. Design documents must clearly address the need (or lack thereof) for drainage provisions behind the wall. Items to be addressed are a gravel/cobble drainage blanket, filter fabric and drainage pipes. Specific requirements may be implemented by the city of Elko based upon prevailing geologic and climate conditions.

f. The structural and/or geotechnical engineer(s) of record must provide specific acceptance criteria to address special inspection details. Specific information must be provided regarding how the special inspector should determine compliance with embedment requirements outlined in items 5 through 10.

23. Inspections must be performed as required by the city of Elko.

24. Special inspection of rockery wall construction will be required for all walls five feet (5') tall and greater.

25. A final report must be submitted by the special inspector to the city of Elko. Section L105 – Implementation.

L105.1 Implementation. The city is empowered to formulate procedural guidelines to be used in implementing this chapter. (Ord. 723, 2-8-2011)

#### Appendix O - Fences, Walls and Retaining Walls

Add a new Appendix O Fences, Walls and Retaining Walls, as follows:

Appendix O - Fences, Walls and Retaining Walls

Section O101- General.

O101.1 General. It will be unlawful for any person, contractor, firm or corporation to erect, install, construct or replace any fence, wall or retaining wall contrary to the provisions of this code.

O101.2 Applicable Regulations. All regulations and requirements of the building code and any

amendments, deletions and additions thereto shall apply to the erection, installation or construction of any fence, wall and/or retaining wall except that which may be inconsistent with this chapter.

Section O102 - Definitions.

O102.1 Definitions. For the purpose of this chapter, certain terms are defined as follows:

Cut. See Excavation.

Excavation. The removal of earth material by artificial means, also referred to as a cut.

Fence. A structure of material such as wrought iron, wire, wood, screen, vinyl, plastic, etc., erected for purposes of enclosure, division of property or decoration.

Fill. The deposition placement of earth materials by artificial means.

Retaining Wall. Any wall that is used to resist the lateral displacement of earth or any other material with a difference in elevation of the material from one side to the other exceeding 24 inches (610 mm) in height.

Rockery Wall. A system of stacked rocks constructed to retain soil.

Wall. A structure of stone, brick, masonry, concrete or other similar permanent material, raised to some height and erected for purposes of enclosure, division of property or decoration.

Section O103-Permits.

O103.1 Permits Required. No fence, wall or retaining wall regulated by this code, for which a permit is required, shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each fence, wall or retaining wall is obtained from the City.

O103.2 Separate Permits Required. A separate permit is required for each parcel of land upon which a fence, wall or retaining wall is to be located.

Exception: Only one permit is required for multiple fence(s), wall(s) and/or retaining wall(s) constructed along property lines in connection with the development of a subdivision, provided that a legal description of the property is submitted together with a dimensioned plot plan showing the exact location of the fence, wall and/or retaining wall and all other recorded lot and easement lines.

O103.3 Application for a Fence, Wall or Retaining Wall Permit. To obtain a permit, the applicant shall first file an application on a form furnished by the City for that purpose. The application shall include the following:

**<u>1</u>**. The name and address of the owner of the real property upon which the fence, wall and/or retaining wall is to be located.

2. The type of material to be used for construction of the fence, wall, and/or retaining wall.

3. The total length, height and square footage of each fence, wall and/or retaining wall.

4. The authorized agent to perform construction.

5. A dimensioned drawing that identifies the location of each fence, wall and/or retaining wall with respect to the property or lot lines, easements, streets, other rights-of-way. Existing construction and drainage features shall be clearly identified on the drawings.

6. The location of all light standards, gas and water meters, and fire hydrants.

Other information deemed pertinent by the City.

O103.4 Drawings and Specifications. Drawings and specifications required for retaining walls shall be prepared by a registered design professional. The design shall be in accordance with the applicable chapters of the IBC. Rockery walls shall be designed in accordance with the IBC and shall be prepared by a registered design professional. Specifications for fences and walls need not be submitted unless required by the City. Drawings and specifications shall be submitted for retaining walls showing that the retaining wall is designed in accordance with this code.

Section O104 - General Requirements and Limitations.

O104.1 General. General requirements and limitations shall be as follows:

**1.** No fence, wall and/or retaining wall shall be placed within a right-of-way unless granted permission by the City.

2. The height and location of a fence, wall and/or retaining wall shall comply with all zoning ordinances and regulations of the City.

3. Special inspection, if required, shall be in accordance with the IBC.

O104.2 Required Inspections.

1. All footings shall be inspected to verify compliance to the approved plans and permit. Footings shall be excavated and cast against the earth.

2. Concrete foundations shall not be placed until footings have been inspected and approved by the <u>City.</u>

3. No wall and/or retaining wall shall be grouted until the reinforcing required has been inspected and approved by the City.

<u>4. Retaining wall shall not be backfilled until verification of the damp-proofing, when required, and drainage has been inspected and approved by the City.</u>

O104.3 Natural Drainage. Permits shall not be issued for fences, walls and/or retaining walls, which would block any natural flow path.

O104.4 Prohibited Materials. Walls, fences and retaining walls shall not be constructed of materials which impose a direct safety hazard, such as pointed posts, stakes or pickets, components intended for electrocution, embedded glass, nails, barbed or razor type wire, or other sharp, cutting objects.

Exception: Manufactured barbed or razor wire may be used when its detailed use, location, and construction requirements are approved by the City of Elko.

O104.5 Minimum Requirements for the Structural Analysis and Construction of Rockery Walls.

1. A dimensioned drawing that identifies the location of each rockery wall with respect to the property lines, easement, streets, and other rights-of-way. Existing construction, required setbacks as noted below, and drainage features shall clearly be identified on drawings.

2. Cross section of wall showing the approximate rock size for each lift, maximum height, backfill, drainage, slope of ground, embedment, cuts, and required face inclination.

3. All rockery walls greater than four feet (4') in height require engineering analysis.

4. All rockery walls greater than four feet (4') in height require a geotechnical report.

5. The base rock shall be embedded at least 12" into the soil. Placement of base rocks at grade followed by subsequent backfilling of the "toe area" shall not be permitted unless specific recommendations are provided by the geotechnical and/or structural engineer(s). The base should be level and shall not have a slope greater than 1 unit vertical to 10 units horizontal (10-percent): otherwise a stepped base is required.

6. The wall shall have a face inclination ratio of at least 1 unit horizontal to 6 units vertical (1:6) measured at the exposed face of wall. The ratio may be greater than 1:6.

7. The surrounding site shall be graded such that water cannot flow over the top of the wall.

8. Landscape materials, if used, shall not have detrimental effect on the wall. The use of landscape materials in close proximity to rockery walls shall be specifically addressed in the structural analysis.

9. Walls greater than ten feet high (10') shall have a slope stability analysis performed by the design professional.

<u>10. Caliches and other "cemented soils" formed by precipitation shall not be used in rockery wall construction unless special design considerations are provided to address their suitability for use.</u>

11. The height of any single story rockery wall shall not exceed 8 feet.

12. Rockery walls shall not be constructed as the sole means of repair to provide stability to any unstable slope. In this case, a rockery wall may be used only after the slope is first stabilized by MSE, soil nailing or some other approved engineered repair.

13. Multiple terraced (also sometimes referred to as stacked or tiered) rockery require a slope stability analysis performed by the design professional.

14. Rockery walls greater than four feet (4') in height: Rocks sized as "two man" (approximately 200-700 pounds and 18-28 inch nominal diameter) or greater shall be tightly fitted and interlock with neighboring rocks. Smaller rocks may be intermittently used for "structural chinking" which allows large rocks to rest in a stable movement free position. Void spaces between larger rocks shall be tightly filled or "aesthetically chinked" such that large gaps between rocks in the exposed face are reasonably well filled. There shall be no loose rocks or scree present at any point in the exposed face or top of a rockery wall.

15. Rockery walls greater than four feet (4') in height: No rocks smaller than the nominal "two man" size (approximately 200-700 pounds and 18-28 inch nominal diameter) will be permitted to be exposed in the front face or top rock layer. Tightly fitted smaller rocks used for the purpose of filling voids or "chinking" shall not be subject to this limitation.

16. The setback from a rockery wall to a building or structure shall be not less than the height of the retained earth. The distance shall be measured from the outside of the foundation of the structure to the exposed face of the rockery wall. This provision applies to buildings or structures (except other site walls or fences) on either the high side or low side of the rockery walls. Exception: Where rockery walls are less than four feet (4') in height this requirement may be waived at the option of the City of Elko.

17. Multiple rockery walls, designed as terraced (stacked or tiered) retaining walls, shall be minimum distance of 1/2 the height of the lower rockery wall to another rockery wall. Surcharge loading from one wall to another shall be considered in the design.

18. Ornamental fences, guards, or screen walls shall be a minimum of four feet (4') from the front face at the top of the rockery wall. Ornamental fences, guards, or screen walls shall have their own foundations and not rely on the rockery wall for structural support.

19. Rockery walls shall be set back the required distances from fire hydrants, light standards, gas meters, water meters, electrical transformers, utility boxes or similar features. These distances shall be established and enforced by the City. Where permitted, rockery walls located within a utility or other easement shall be in accordance with the published standards of the City.

20. All structural analysis shall be in accordance with adopted building codes, and local amendment adopted by the City, and this document.

21. The following requirements shall apply:

a. The maximum unit weight of the rocks used in the design of a rockery wall shall be 155 pcf unless field verified by special inspection or preconstruction lab analysis of samples from the source rock materials.

b. The maximum coefficient of friction between rocks in a rockery wall is 0.5.

c. Applied loads from adjacent foundations, surcharge materials, or dynamic/transient loads

shall be taken into consideration in the analysis.

d. Specifications shall be provided to clearly define acceptance criteria for rock materials.

e. Design documents shall clearly address the need (or lack thereof) for drainage provisions behind the wall. Items to be addressed are a gravel/cobble drainage blanket, filter fabric and drainage pipes. Specific requirements may be implemented by the City based upon prevailing geologic and climate conditions.

f. The engineer(s) of record shall provide specific acceptance criteria to address special inspection details. Specific information shall be provided regarding how the special inspector should determine compliance with embedment requirements outlined in items 5 through 10.

22. Inspections shall be performed as required by the City.

23. Special inspection of rockery wall construction will be required for all walls greater than four feet (4') in height.

24. A final report shall be submitted by the special inspector to the City.

### Chapter 3

### **RESIDENTIAL CODE**

### 2-3-1: RESIDENTIAL CODE PROVISIONS: 2-3-2: RESIDENTIAL CODE AMENDMENTS:

#### 2-3-1: RESIDENTIAL CODE PROVISIONS:

- A. Title: This chapter shall be known as the INTERNATIONAL RESIDENTIAL CODE OF THE CITY OF ELKO, hereinafter "code", including the adoption of the 2009 international residential code 2018 International Residential Code with the exception of chapters 11 through 42 but with appendices H and K and Q necessary administrative provisions. Certain sections of the international residential code and appendices may be added or deleted.
- B. Applicability: All construction of or the enlarging, altering, repairing, moving, demolishing, or changing the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any component, element or portion of a building or structure within the city must be in compliance with, in addition to, the other applicable codes or amendments set forth by the city council and the latest edition of the international residential code.
- C. Frost Line: References in the international residential code to the frost line mean a minimum of thirty inches (30") below finish grade.
- D. Supplements: All supplements to the international residential code, issued by the International Code Council Inc., between editions are hereby not made a part of the then current edition of the international residential code.

E. Conflict: In the event that any of the provisions of the latest edition of the international residential code conflict with any provision of this chapter, the provisions of this chapter must govern and be controlling. (Ord. 724, 2-8-2011)

### 2-3-2: RESIDENTIAL CODE AMENDMENTS:

All building construction work and the inspections thereof must be in conformity with the provisions of this code and with the latest edition of the international residential code, which is hereby adopted by the city, with the following specific deletions and additions:

Chapter 1 - Scope and Administration

Chapter 1 is deleted in its entirety and replaced by title 2 chapter 1, "Building Regulations Administrative Code", of the city code.

Chapter 2 – Definitions

Section R202 - Definitions. Revise and/or add the following definitions to section R202 as follows:

Townhouse. A single-family dwelling unit constructed in a group of two or more attached units completely independent of all other such units in the building by reason of separation therefrom by un-pierced party walls in which each unit extends from foundation to roof and with open space on at least two sides, and as recorded on a final parcel map or final subdivision map.

Sleeping Area. Any area that includes one or more sleeping rooms that are located on the same floor and are not separated by another habitable room, such as a living room, dining room or kitchen (but not a bathroom, hallway or closet).

Sleeping Room. Any sleeping room, bedroom, basement, loft, mezzanine or other room that is ordinarily used or intended to be used for sleeping purposes. The term is deemed to include any room that contains a closet and that provides for occupant privacy.

Surcharge. A vertical load imposed on the retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soil. Examples include:

- Sloped retained soil.
- Structure footings supported by the retained soil.
- Adjacent vehicle loads supported by the retained soil.

Temporary. A defined time set by the city not to exceed 90 days. Extension of time may be granted upon written request.

Chapter 3 - Building Planning

Section R301 - Design Criteria. Revise section R301 as follows:

### R301.1.2 Construction Systems.

The requirements of this code are based on platform and balloon-frame construction for lightframe buildings. The requirements for concrete and masonry buildings are based on a balloon framing system. Other framing systems must have equivalent detailing to ensure force transfer, continuity and compatible deformations. All structural plain (unreinforced) concrete must be designed in accordance with the 2009 IBC. All plain (unreinforced) masonry, and rubble stone masonry construction is prohibited. All tables, figures and references for these unreinforced systems are deleted.

Table R301.2(1) Climatic <u>and</u> Geographic Design Criteria. Amend table R301.2(1) as follows:

### TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground	Wind Design		Seismic	Subject To Damage From				
Snow Load	Speed ^d (mph)	Topographic effects ^k	Design Category ^f	Weathering ^a	Frost Line Depth ^b	Termite ^c		
30 lb/ft ²	<del>90-</del> 115	No	D ⁰	Severe	30"	Slight to moderate		

Winter Design	Ice Barrier Underlayment	Flood Hazards ^g	Air Freezing	Mean Annual
Temp ^e	Required ^h		Index ⁱ	Temp ^j
-2°	Yes	<del>(l, m, n, o)</del> <u>Varies, See</u> Engineering Dept	2000	46°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column must be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the weathering probability map [figure R301.2(3)]. The grade of masonry units must be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in figure R403.1(1). The jurisdiction must fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction must fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction must fill in this part of the table with the wind speed from the basic wind speed map [figure R301.2(4)]. Wind exposure category must be determined on a site-specific basis in accordance with section R301.2.1.4.

e. The temperature must be permitted to reflect local climate or local weather experience as determined by the city of Elko.

f. The jurisdiction must fill in this part of the table with the seismic design category determined from section R301.2.2.1.

g. The jurisdiction must fill in this part of the table with (a) the date of the jurisdiction's entry into the national flood insurance program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the flood insurance study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the city of Elko, as amended.

h. In accordance with sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must fill in this part of table with "YES." Otherwise, the jurisdiction must fill in this part

i. The jurisdiction must fill in this part of the table with the 100-year return period air freezing index (BF-days) from figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index – USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction must fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index - USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction must fill in this part of the table with "YES." Otherwise, the jurisdiction must indicate "NO" in this part of the table.

I. Date of original adoption November 1980.

m. FIS dates: February 1984, November 1995, and September 2009.

n. Community number 320010.

o. Panel numbers: 5188, 5190, 5606, 5607, 5608, 5609, 5615, 5625, 5626, 5628, 5630.

### For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, "negligible," "moderate" or "severe" for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.

b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix

D temperatures shall be permitted to reflect local climates or local 33 weather experience as determined by the building official. [Also see Figure R301.2(1).]

<u>f. The jurisdiction shall fill in this part of the table with the seismic design category determined from</u> <u>Section R301.2.2.1.</u>

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.

h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and 905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)."

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

I. In accordance with Figure R301.2(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a or 1b from ACCA Manual J or established criteria determined by the jurisdiction.

o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R301.2(6).

Section R301.6 Roof Load.

Revise section R301.6 as follows:

Roof must be designed for the live load indicated in table R301.6 or the snow load indicated in table R301.2(1), whichever is greater. Roof live loads in accordance with section 1607.11 of the 2009 international building code may be used in place of the loads in table R301.6.

Section R302.1 - Exterior Walls.

Revise section R302.1 Exterior Walls, and add exceptions #6 and #7, as follows: R302.1 Exterior Walls.

Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings must comply with table R302.1. To determine when protection is required by table R302.1, the dimension must be determined from property line to the finish face of the wall.

Exceptions:

1. Walls, projections, openings or penetrations in walls perpendicular to the line used to determine the fire separation distance.

2. Walls in between dwellings and accessory structures located on the same lot. Garages must comply with section R302.6.

3. Detached tool sheds and storage sheds, playhouses and similar structures exempted from permits are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall must not extend over the lot line.

4. Detached garages accessory to a dwelling located within 2 feet (610 mm) of a lot line are permitted to have roof eave projections not exceeding 4 inches (102 mm).

5. Foundation vents installed in compliance with this code are permitted.

6. Exterior decorative trim must not project more than 4 inches (102 mm) into the minimum fire separation distance and must not exceed ten percent (10%) of the aggregate wall area on which it is located.

7. When there are no eave, attic or gable-end vent openings, the unprotected eave is limited to a maximum of 12 inches (305 mm) beyond the wall construction into the minimum fire separation distance. The unprotected eave projection is further limited to a maximum depth of 24 inches (610 mm) from the roof sheathing to the bottom of the projection.

Table R302.1 Exterior Walls. Revise table R302.1 Exterior Walls as follows:

#### TABLE R302.1

Exterior Walls	Exterior Wall Element-	Minimum Fire-Resistance Rating-	Minimum Fire Separation Distance-
<del>Walls_</del>	<del>(Fire-resistance</del> <del>rated)</del> -	1 hour-tested in accordance with ASTM E119 or UL 263 with exposure from both sides-	< <del>5 feet</del> -

	<del>(Not fire- resistance rated)</del>	<del>0 hours -</del>	<del>= 5 feet</del> -
Projections-	Not allowed	<del>n/a_</del>	<del>0 to &lt;2 feet</del>
	<del>(Fire-resistance</del> <del>rated)</del>	1 hour on the underside	= 2 feet to <5 feet-
	<del>(Not fire- resistance rated)</del> -	<del>0 hours -</del>	<del>= 5 feet</del> -
Openings-	Not allowed	<del>n/a_</del>	< <del>3 feet</del>
	<del>25% maximum</del> of wall area	<del>0 hours</del> -	= 3 feet to <5 feet-
	Unlimited-	<del>0 hours</del>	= 5 feet
Penetrations-	All-	Comply with section 317.3	<5 feet
		None required	= 5 feet

### Section R309 - Garages And Carports.

Revise R309.2 as follows: R309.2 Carports.

Carports shall be open on at least two complete sides. Carports in which a side(s) is within thirty six inches (914 mm) of an adjacent structure, for the purpose of this section, must be considered a closed side.

Carport floor surfaces shall be of *approved* noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

Exception: Asphalt surfaces shall be permitted at ground level in carports.

The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.

Section R313 - Automatic Fire Sprinkler Systems. R313 is deleted in its entirety with no replacement.

Section R314 - Smoke Alarms.

Revise section R314, R314.1 as follows:

R314 Smoke Alarms And Carbon Monoxide Detectors. R314.1 Smoke Detection And Notification.

All smoke alarms must be listed in accordance with UL 217 and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

R314.2 Smoke Detection Systems.

Household fire alarm systems installed in accordance with NFPA 72 that include smoke alarms, or a combination of smoke detector and audible notification device installed as required by this section for smoke alarms will be permitted. The household fire alarm system must provide the same level of smoke detection and alarm as required by this section for smoke alarms. Where a household fire warning system is installed using a combination of smoke detector and audible notification device(s), it must become a permanent fixture of the occupancy and owned by the homeowner. The system must be monitored by an approved supervising station and be maintained in accordance with NFPA 72.

Where smoke alarms are provided meeting the requirements of section R314.4. R314.2.1 Carbon Monoxide Alarms.

Carbon monoxide alarms must be listed as complying with UL2034 and must be installed in accordance with this code and the manufacturer's installation instructions. Exception:

Where carbon monoxide alarms are provided meeting the requirements of section R314.4. R314.3 Location.

1. Smoke and carbon monoxide alarms must be installed in the following locations: a) Smoke alarms in each sleeping room.

b) Smoke alarms must be located immediately outside of each sleeping room.

c) Smoke alarms on each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level must suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

d) Carbon monoxide alarms outside of sleeping area in the immediate vicinity of the bedrooms in dwellings units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

e) Carbon monoxide alarms within each bedroom which contains a fuel-fired appliance.

2. Smoke detectors should not be located:

a) Within three (3) feet of a door to a bathroom containing a tub or a shower.

b) Within three (3) feet of the supply registers of a forced air HVAC system.

c) Directly over the stove or range.

d) Near ceiling fans.

3. Carbon monoxide detectors should not be installed in the following locations: a) Within fifteen feet of heating or cooking appliances.

b) Near very humid areas such as bathrooms.

4. When more than either one (1) smoke alarm or more than one (1) carbon monoxide alarm is required to be installed within an individual dwelling unit all alarm devices must be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

### R314.3.1 Alterations, Repairs And Additions.

When alterations, repairs or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit must be equipped with smoke and carbon monoxide alarms located as required for new dwellings.

#### **Exceptions:**

a) Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.

b) Replacement, alteration or repairs of existing electrical, plumbing or mechanical systems are exempt from the requirements of this section.

R314.4 Power Source.

Smoke and carbon monoxide alarms must receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, must receive power from a battery. Wiring must be permanent and without a disconnecting switch other than those required for overcurrent protection. Smoke and carbon monoxide alarms must be interconnected.

#### **Exceptions:**

a) Smoke and carbon monoxide alarms must be permitted to be battery operated when installed in buildings without commercial power.

b) Interconnection and hard-wiring of smoke and carbon monoxide alarms in existing areas must not be required where the alteration, addition or remodel does not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for hard wiring and interconnection without the removal of interior finishes.

Section R315 - Carbon Monoxide Alarms. Delete section R315 in its entirety.

Section R319 - Site Address. Revise section R319 as follows:

#### R319.1 Address Numbers.

Buildings must 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 must contrast with their background. Address numbers must be arabic numbers or alphabetical letters. Numbers must be a minimum of 6 inches (152 mm) high with a minimum stroke width of  $\frac{1}{2}$  inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means must be used to identify the structure.

#### Exception:

Any address or building number that is displayed on a permanently internally illuminated base must be a minimum of 4 inches (102 mm) high with a minimum stroke width of  $\frac{1}{2}$ -inch (12.7 mm).

Chapter 4 - Foundations Section R401 - General. Revise section R401 as follows:

#### R401.3 Drainage.

Delete R401.3 in its entirety and replace, as follows: R401.3 Drainage.

The ground immediately adjacent to the foundation must be sloped away from the building at a slope of not less than 1 unit vertical in 20 units horizontal (5-percent slope) for a minimum distance of 10 feet (3048 mm) measured perpendicular to the face of the wall. If physical obstructions or lot lines prohibit 10 feet (3048 mm) of horizontal distance, a 5-percent slope must be provided to an approved alternate location or a alternative method of diverting water away from the foundation must be considered. Swales must be used for the purpose of drainage and must be sloped a minimum of 1 percent along the flow line where located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building. All drainage must be directed to the nearest drainage easement or public right of way.

### Exception:

Where an exterior asphalt or concrete surface abuts a building, the slope of the ground away from the building foundation is permitted to be reduced to not less than one unit vertical in 48 units (2-percent slope).

The procedure used to establish the final ground level adjacent to the foundation must account for additional settlement of the backfill.

## Section R403 - Footings. Revise section R403 as follows:

Revise section R405 ds follows.

## R403.1.1 Minimum Size.

Minimum sizes for concrete and masonry footings must be as set forth in table R403.1 and figure R403.1(1). The footing width, W, must be based on the load-bearing value of the soil in

accordance with table R401.4.1. Spread footings must be at least 8 inches (203 mm) in thickness, T. Footing projections, P, must be at least 2 inches (51 mm) and must not exceed the thickness of the footing. The size of footings supporting piers and columns must be based on the tributary load and allowable soil pressure in accordance with table R401.4.1. Footings for wood foundations must be in accordance with the details set forth in section R403.2, and figures R403.1(2) and R403.1(3).

Section 406 - Foundation Waterproofing And Damp-Proofing. Revise section R406 as follows:

R406.2 Concrete And Masonry Foundation Waterproofing.

Unless an approved geotechnical report indicates there is not a high water table or other severe soil-water conditions are known to exist, exterior foundation walls that retain earth and enclose interior spaces and floors below grade must be waterproofed from the top of the footing to the finished grade. Walls must be waterproofed in accordance with one of the following:

1. Two-ply hot mopped felts.

2. Fifty five pound (25 kg) roll roofing.

3. Six-mil (0.15 mm) polyvinyl chloride.

4. Six-mil (0.15 mm) polyethylene.

5. Forty-mil (1 mm) polymer-modified asphalt.

6. Sixty-mil (1.5 mm) flexible polymer cement.

7. One-eighth inch (3 mm) cement-based, fiber-reinforced, waterproof coating.

8. Sixty-mil (0.22) solvent free liquid-applied synthetic rubber.

### Exception:

Organic-solvent-based products such as hydrocarbons, chlorinated hydrocarbons, ketones and esters shall not be used for ICF walls with expanded polystyrene form material. Use of plastic roofing cements, acrylic coatings, latex coatings, mortars and pargings to seal ICF walls is permitted. Cold-setting asphalt or hot asphalt shall conform to type C of ASTM D 449. Hot asphalt shall be applied at a temperature of 200°F (93°C).

All joints in membrane waterproofing shall be lapped and sealed with an adhesive compatible with the membrane.

Section R408 - Under-Floor Space. Revise section R408 as follows:

R408.1 Ventilation.

The under-floor space between the bottom of the floor joists and the earth under any building

(except space occupied by a basement) must have the grade of the ground surface at the top of the footings and ventilation openings through foundation walls or exterior walls.

The minimum net area of ventilation openings must not be less than 1 square foot (0.0929 m²) for each 150 square feet (14 m²) of under-floor space area, unless the ground surface is covered by a class 1 vapor retarder material. When a class 1 vapor retarder material is used, the minimum net area of ventilation openings must not be less than 1 square foot (0.0929 m²) for each 1,500 square feet (140 m²) of under-floor space area. One such ventilating opening must be within 3 feet (914 mm) of each corner of the building. R408.2 Openings For Under-Floor Ventilation.

The minimum net area of ventilation openings must not be less than 1 square foot (0.0929 m²) for each 150 square feet (14 m²) of under-floor area. One ventilation opening must be within 3 feet (915 mm) of each corner of the building. Ventilation openings must be covered for their height and width with any of the following materials provided that the least dimension of the covering must not exceed  $\frac{1}{4}$  inch (6.4 mm):

1. Perforated sheet metal plates not less than 0.070 inch (1.8 mm) thick.

2. Expanded sheet metal plates not less than 0.047 inch (1.2 mm) thick.

3. Cast-iron grill or grating.

4. Extruded load-bearing brick vents.

5. Hardware cloth of 0.035 inch (0.89 mm) wire or heavier.

6. Corrosion-resistant wire mesh, with the least dimension being  $\frac{1}{8}$  inch (3.2 mm) thick.

Exception: The total area of ventilation openings must be permitted to be reduced to  $\frac{1}{1,500}$  of the under-floor area where the grade of the ground surface is at the top of the footings and covered with an approved class I vapor retarder material and the required openings are placed to provide cross ventilation of the space. The installation of operable louvers will not be prohibited.

R408.3 Unvented Crawl Space.

Ventilation openings in under-floor spaces specified in sections R408.1 and R408.2 are not required where:

 The grade of the ground surface is at the top of the footings and is covered with a continuous class I vapor retarder. Joints of the vapor retarder must overlap by 6 inches (152 mm) and must be sealed or taped. The edges of the vapor retarder must extend at least 6 inches (152 mm) up the stem wall and must be attached and sealed to the stem wall; and

2. One of the following is provided for the under-floor space:

2.1. Continuously operated mechanical exhaust ventilation at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of crawlspace floor area, including an

air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with the currently adopted energy code.

2.2. Conditioned air supply sized to deliver at a rate equal to 1 cubic foot per minute (0.47 L/s) for each 50 square feet (4.7 m²) of under-floor area, including a return air pathway to the common area (such as a duct or transfer grille), and perimeter walls insulated in accordance with section N1102.2.9.

2.3. Under-floor space being used as a supply plenum must comply with the requirements of section 608.0 2009 uniform mechanical code.

Chapter 5 - Floors Section R506.2.3 - Vapor Retarder. Revise subsection R506.2.3 as follows:

#### R506.2.3 Vapor Retarder.

A 10 mil (0.010 inches; 0.254 mm) polyethylene or approved vapor retarder with joints lapped not less than 6 inches (152 mm) must be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists.

Exception: The vapor retarder may be omitted:

1. From detached garages, utility buildings and other unheated accessory structures.

2. For unheated storage rooms having an area of less than 70 square feet (6.5 m²) and carports.

3. From driveways, walks, patios and other flatwork not likely to be enclosed and heated at a later date.

4. Where approved by the building official, based on local site conditions.

## Chapter 8 - Roof-Ceiling Construction Section R807 - Attic Access. Revise section R807 as follows:

#### R807.1 Attic Access.

Buildings with combustible ceiling or roof construction must have at least one (1) attic access opening to attic areas that exceed 30 square feet and have a vertical height of 30 inches or greater. Additional access openings must be provided to attic areas that have electrical, plumbing, or mechanical fixtures or equipment that require access for periodic maintenance. The vertical height must be measured from the top of the ceiling framing members to the underside of the roof framing members.

The rough-framed opening must not be less than 22 inches by 30 inches (559 mm by 762 mm) and must be located in a hallway or other readily accessible location. When located in a wall, the opening must be a minimum of 22 inches wide by 30 inches high. When the access is located in a ceiling, minimum unobstructed headroom in the attic space directly above any portion of the access must be 30 inches (762 mm) measured vertically from the top of ceiling framing

members to the underside of the roof framing members. See the adopted mechanical code for access requirements where mechanical equipment is located in attics.

## **Chapter 10 - Chimneys And Fireplaces**

Section R1007 - Fireplace Requirements. R1007 Fireplace Requirements is added to read as follows:

## R1007 Fireplace Requirements.

A gas or wood burning fireplace installed within a dwelling unit shall comply with the following requirements:

1. The fireplace opening shall be provided with solid doors such as glass, solid steel or cast iron.

2. If the fireplace is located in a sleeping room or an adjacent bathroom, then a permanent unobstructed fresh air supply shall be provided directly from the exterior of the structure to the firebox.

3. When gas is piped to the fireplace, a caution sign shall be installed that states "Caution: Damper must be permanently blocked open if gas is supplied to this fireplace." The letters on the sign must be a minimum of  $^{3}/_{8}$  inches in height. (Ord. 724, 2-8-2011)

## Adopt Appendix Q in its Entirety with no amendments

## **Chapter 4**

## MECHANICAL CODE

# 2-4-1: MECHANICAL CODE PROVISIONS: 2-4-2: MECHANICAL CODE AMENDMENTS:

## 2-4-1: MECHANICAL CODE PROVISIONS:

- A. Title: This chapter shall be known as the UNIFORM MECHANICAL CODE OF THE CITY OF ELKO, hereinafter "code", including the adoption of the 2009 uniform mechanical code 2018 Uniform Mechanical Code with appendices A, B, C, and D and necessary administrative provisions. Certain sections of the uniform mechanical code and appendices may be added or deleted.
- B. Applicability: All construction of or the enlarging, altering, repairing, moving, demolishing, or changing the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any component, element or portion of a building or structure within the city must be in compliance with, in addition to, the other applicable codes or amendments set forth by the city council and the latest edition of the uniform mechanical code.
- C. Supplements: All supplements to the uniform mechanical code, issued by the International Association <u>of</u> Plumbing <u>and</u> Mechanical Officials (IAPMO), between editions are hereby not made a part of the then current edition of the uniform mechanical code.

D. Conflict: In the event that any of the provisions of the latest edition of the uniform mechanical code conflicts with any provision of this chapter, the provisions of this chapter must govern and be controlling.

## 2-4-2: MECHANICAL CODE AMENDMENTS:

All building construction work and the inspections thereof must be in conformity with the provisions of this code and with the latest edition of the uniform mechanical code, which is hereby adopted by the city, with the following specific deletions and additions:

Chapter 1 - Administration

Chapter 1 Administration is deleted in its entirety except for section 101.0 Title and section 102.0 Purpose, and replaced by <u>title 2, chapter 1</u>, "Building Regulations Administrative Code", of the city code.

Chapter 2 - Definitions Section 205.0 C - Definitions. Add a new definition to section 205.0 to be placed in alphabetical order, as follows:

Combustible Construction. Combustible construction means work within any building or structure classified as type III, type IV, type V as defined in the building code. Plastic piping is not permitted in type I and type II buildings.

## SECTION 304.3 ACCESS TO APPLIANCES ON ROOFS

Amend Section 304.3 to read as follows:

Section 304.3 Access to Appliances on Roofs. Appliances located on roofs or other elevated locations above 30 inches shall be accessible. [NFPA 54:9.4.3.11]

<u>304.3.1 Access. Buildings exceeding 15 feet (4572 mm) in height shall have an inside means of access to the roof unless other means acceptable to the Authority Having Jurisdiction are used [NFPA 54:9.4.3.2]</u>

3-4.3.1.1 Access Type. The inside means of access shall be a permanent, or foldable inside stairway or ladder, terminating in an enclosure, scuttle, or trap door. Such scuttles or trap doors shall be not less than 22 inches by 24 inches (559 mm by 610 mm) in size, shall open easily and safely under all conditions, especially snow; and shall be constructed so as to permit access from the roof side unless deliberately locked on the inside.

Not less than 10 feet (3048 mm) of clearance shall be between the access opening and the edge of the roof or similar hazard or rigidly fixed rails or guards not less than 42 inches (1067 mm) in height shall be provided on structures are utilized in lieu of guards or rails, they shall be not less than 42 inches (1067 mm) in height. [NFPA 54:9.4.3.1]

SECTION 403.7.2 ENCLOSED PARKING GARAGES

## Amend Section 403.7.2 to read as follows:

403.7.2 Enclosed Parking Garages. Mechanical ventilation systems for enclosed parking garages shall operate continuously.

## Exceptions:

(1) Mechanical ventilation systems for enclosed parking garages shall be permitted to operate intermittently where the system is designed to operate automatically upon detection of vehicle operation or presence of occupants by approved automatic detection devices.

(2) <u>Automatic carbon monoxide sensing devices shall be permitted to be employed to modulate</u> the ventilation system to maintain a maximum average concentration of carbon monoxide of 50 parts per million during an eight-hour period, with a concentration of not more than 200 parts per million for a period not exceeding one hour. Automatic carbon monoxide sensing devices installed to modulated parking garages ventilation systems shall be approved.

Chapter 5 - Exhaust Systems Section 504.0 - Environmental Air Ducts. Revise subsection 504.3.1, 504.3.2 and 504.3.2.2 as follows:

### 504.3.1 Moisture Exhaust Ducts.

Moisture exhaust ducts must terminate on the outside of the building and must be equipped with a back-draft damper. Screens must not be installed at the duct termination. Ducts for exhausting clothes dryers must not be connected or installed with sheet metal screws or other fasteners which will obstruct the flow. Clothes dryer moisture exhaust ducts must not be connected to a gas vent connector, gas vent or chimney and must only serve clothes dryers. Clothes dryer moisture exhaust ducts under positive pressure must not extend into or through ducts or plenums.

Exception: When moisture exhaust ducts terminate vertically through a roof, back-draft dampers are not required.

#### 504.3.2 Domestic Clothes Dryers.

When a compartment or space for a domestic clothes dryer is provided, a minimum four (4) inch diameter (102 mm) moisture exhaust duct of approved material must be installed in accordance with this section and section 504.0.

504.4.1 Provisions for makeup air. Makeup air shall be provided in accordance with the following:

(1) Make up air shall be provided for Type 1 clothes dryers in accordance with the manufacturer's instructions. [NFPA 54:10.4.3.1] Where a closet is designed for the installation of a clothes dryer, an opening of not less than 100 square inches for makeup air shall be provided by approved means. 100 square inches for makeup air must be provided by means of permanent openings. Vents, louvers, or other openings in doors, or infiltration around doors must be prohibited in the calculations of the required makeup air

## Section 504.4.2.1 Length Limitation

504.4.2.1 Length Limitation. Domestic dryer moisture exhaust ducts shall not exceed a tota combined horizontal and vertical length of 14 feet, including two 90- degree (1.57 rad) elbows. A length of 2 feet shall be deducted for each 90-degree (1.57 rad) elbow in excess of two.

Amend Section 504.4.2.1 to read as follows:

# 504.3.2.2 Length Limitation.

Domestic dryer moisture exhaust ducts must not exceed a total combined horizontal and vertical length of fourteen (14) feet (4267 mm), including two (2) 90-degree (1.57 rad) elbows. Two (2) feet (610 mm) must be deducted for each 90-degree (1.57 rad) elbow in excess of two. Exceptions:

1. Where large-radius 45-degtree (0.8 rad) and 90-degree (1.6 rad) bends are installed, determination of the equivalent length of clothes dryer exhaust duct for each bend by engineering calculation in accordance with ASHRAE Fundamentals Handbook shall be permitted.

# SECTION 505.10 MAKEUP AIR

# Amend Section 505.10 to read as follows:

505.10 Makeup Air. Makeup air shall be provided to replenish air exhausted by the ventilator system. Exhaust hood systems capable of exhausting in excess of 600 cfm (0.28 m3/s) shall be provided with *makeup air* at a rate approximately equal to the *exhaust air* rate. Such *makeup air* systems shall be equipped with a means of closure and shall be automatically controlled to start and operate simultaneously with the exhaust system. Makeup air intakes shall be located so as to avoid recirculation of contaminated air within enclosures.

# SECTION 508.3.5.4 EVAPORATIVE COOLING SYSTEMS USED AS MAKE UP AIR SYSTEMS

Add Section 508.3.5.4 to read as follows:

508.3.5.4.1 Evaporative Cooling Systems. Evaporative cooling systems will comply with this chapter. Evaporative coolers shall not be used for makeup air units on commercial kitchen hoods and kitchen ventilation systems.

Exception: Evaporative cooling systems that are part of a listed heating air system for kitchen make up air systems. The temperature differential between the makeup air and the air in the conditioned space shall not exceed 10°F (6°C) except where the added heating and cooling load of makeup air do not exceed the capacity if the HVACsystem.

# SECTION 511.2.2.2 CAPTURE AND CONTAINMENT TEST

Amend Section 511.2.2.2 to read as follows:

Section 511.2.2.2 Capture and Containment Test. The permit holder shall verify the capture and

containment performance of Type I hoods. A field test shall be conducted with all appliances under the hood at operating temperatures, all the hoods operating at design airflows, and with all sources of replacement air operating at design airflows for the restaurant. Capture and containment shall be verified by observing smoke or steam produced by actual cooking operation or by simulating cooking using devices such as smoke candles or smoke puffers. Smoke bombs shall not be used [ASHRAE 154:4.7.2]

Exception: Capture and containment test not required if hood is UL and NFPA listed and manufacturer's data lists the individual equipment below hood.

## SECTION 604.1 GENERAL

## Amend Section 604.1 to read as follows:

604.1 <u>General. Supply-air ducts, return air-ducts, and plenum of a heating or cooling system shall</u> <u>be insulated to achieve the minimum thermal (R) value in accordance with the 2018 International</u> Energy Conservation Code Section 403.2.1 for residential and 503.2.7 for commercial.

## SECTION 608.1 AIR-MOVING SYSTEMS AND SMOKE DETECTORS

## Add Section 608.1 to read as follows:

608.1 <u>Air-Moving Systems and Smoke Detectors. Air-moving systems supplying air in excess of</u> 2000 cubic feet per minute (ft 3 /min) (0.9439 m 3 /s) to enclosed spaces within buildings shall be equipped with an automatic shutoff. Automatic shutoff shall be accomplished by interrupting the power source of the air-moving equipment upon detection of smoke in the main return-air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances served by such equipment. Duct smoke detectors shall comply with UL 268A and shall be installed in accordance with the manufacturer's installation instructions. Such devices shall be compatible with the operating velocities, pressures, temperatures, and humidity's of the system. Where fire-detection or alarm systems are provided for the building, the smoke detectors shall be supervised by such systems in an approved manner.

### Exceptions:

- 1. Where the space supplied by the air-moving equipment is served by a total coverage smoke-detection system in accordance with the fire code, interconnection to such system shall be permitted to be used to accomplish the required shutoff.
- 2. Automatic shutoff is not required where occupied rooms served by the air-handling equipment have direct exit to the exterior and the travel distance does not exceed 100 feet (30 480 mm).
- 3. Automatic shutoff is not required for Group R, Division 3 and Group U Occupancies.
- 4. Automatic shutoff is not required for approved smoke control systems or where analysis demonstrates shutoff would create a greater hazard, such as shall be permitted to be encountered in air-moving equipment supplying specialized portions of Group H Occupancies. Such equipment shall be required to have smoke detection with remote indication and manual shutoff capability at an approved location. (5) Smoke detectors that are factory installed in listed air moving equipment shall be permitted to be used in

## lieu of smoke detectors installed in the main supply-air duct served by such equipment.

## SECTION 609.0 PERFORMANCE TEST FOR AUTOMATIC SHUTOFFS

## Add Section 609.0 to read as follows:

609.0 Performance Test for Automatic Shutoffs. Upon completion and before final approval of the air-moving system, provide with the required smoke detectors, a performance test shall be performed to verify compliance of detector installation to manufacturer's instructions and system compatibility as specified in this chapter. The permittee shall furnish the necessary test equipment and devices required to perform the tests and shall provide the jurisdiction with an accurate, completed, and signed test report. The report shall provide the jurisdiction a form containing equivalent information. At the discretion of the Authority Having Jurisdiction, the performance test may be required to be witnessed by the Authority Having Jurisdiction or performed by an approved third-party testing agency.

Chapter 7 - Combustion Air Section 701.12 - Prohibited Openings. Add a new section 701.13 as follows:

<u>Vents, louvers, other openings in doors, or infiltration around doors is prohibited in the calculation of the required combustion air.</u>

Chapter 9 - Installation <u>of</u> Specific Appliances Section 904.0 - Central Heating Boilers <u>and</u> Furnaces. Revise section 904.10, Title and subsection 904.10.1 as follows:

904.10 Access To Appliances And Air Moving Systems On Roofs.

904.10.1 Appliances and air moving systems located on roofs or other elevated locations fifteen (15) feet above adjacent grade or floor level must be accessible by permanent roof access ladders, as follows:

1. Each ladder must have side railings which extend at least thirty (30) inches (762 mm) above the roof or parapet wall.

2. Each ladder must be a minimum of fourteen (14) inches (356 mm) in width.

3. Each ladder rung must be spaced at a maximum of fourteen (14) inches (356 mm) on center.

4. Each ladder must have a minimum of a six (6) inch (152 mm) toe space.

5. Rungs must have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding a 300-pound (136.1 kg) load.

6. Each ladder must have intermediate horizontal landings whenever the ladder height exceeds eighteen

feet (5486 mm) above finished grade. Landings must be placed at eighteen foot (5486 mm) intervals, maximum. Exceptions:

1. Permanent exterior ladders providing roof access need not extend closer than eight (8) feet (2438 mm) to the finish grade.

2. A portable ladder may be used for access for a group R division 3 and 4 and U occupancies.

3. Permanent ladders for equipment access need not be provided at parapets or walls less than thirty (30) inches (762 mm) in height.

904.10.2 An inside means of access must be a permanent stairway or ladder complying with 904.10.1, terminating in an enclosure, scuttle, or trapdoor. Such scuttles or trapdoors must be at least twenty-two (22) inches x twenty four (24) inches (560 mm x 610 mm) in size, must open easily and safely under all conditions, especially snow, and must be constructed as so to permit access from the roof side unless deliberately locked on the inside. At least six (6) feet (1829 mm) of clearance must be available between the access opening and the edge of the roof or similar hazard, or rigidly fixed rails or guards a minimum of forty-two (42) inches (1067 mm) in height must be provided on the exposed side. Where parapets or other building structures are utilized in lieu of guards or rails, they must be a minimum of forty-two (42) inches.

## SECTION 939.0 SAUNA HEATERS

### Add Section 939.1 to Section 939.0 Sauna Heaters to read as follows:

#### 939.0 Sauna Heaters.

939.1 <u>General. Sauna heaters shall be listed and installed in accordance with the manufacturer's</u> installation instructions. Approved guards or barriers shall be installed to prevent accidental contact with the sauna heater. Ventilation shall be provided in accordance with its listing and combustion air for gas-fired sauna heaters shall comply with chapter 7.

Chapter 10 - Steam And Hot Water Boilers Section 1001.0 - Scope Applicability. Delete chapter 10 in its entirety except section 1001.0 and revise section 1001.0 as follows:

#### 1001.0 Applicability.

For boilers and water heaters less than 120 gallon capacity, or a Btu input rating less than 200,000, or less than 160 pounds per square inch of pressure, see chapter 5 of the uniform plumbing code. For all other units, contact the mechanical section of the Nevada division of occupational safety and health, part of the office of business and industrial relations.

Chapter 11 - Refrigeration

Table 11-1 Refrigerant Groups, Properties And Allowable Quantities. Revise table 11-1 by adding a new footnote #16 as follows: 16 For occupancy group I, division 1 and division 2, the quantity of refrigerant in each system is limited to 50 percent of the respective amount listed in this table.

Exceptions: Kitchens, laboratories and mortuaries.

Justification: To correlate and avoid conflict with the state fire marshal requirements.

Table 11-2 Permissible Refrigeration Systems.Revise table 11-2 as follows:

## TABLE 11-2

PERMISSIBLE REFRIGERATION SYSTEMS¹-

Occupancy Group And Division ⁴ -	High Probability System	Low Probability System	Machinery Room
A-1-	Group A1 only	Any-	Any-
<del>A-2</del> -	Group A1 only	Any-	Any-
A-3-	Group A1 only	Any-	Any-
A-4-	Group A1 only	Any-	Any-
A-5-	Group A1 only	Any-	Any-
<del>B</del>	Group A1 only ² -	Any-	Any-
E-	Group A1 only	Any-	Any-
<del>F-1</del> -	Group A1 only	Any-	Any-
<del>F-2</del> -	Any ² -	Any-	Any-
<del>H-1</del> -	Any-	Any-	<del>Any -</del>
<del>H-2</del> -	Any-	Any-	Any-
<del>H-3-</del>	Any-	Any-	Any-
H-4-	Any-	Any-	Any-
<del>H-5</del> -	Group A1 only	Any-	Any-
+1-	Group A1 only ³ -	Any-	Any-
<del> _2_</del> _	Group A1 only ³ -	Any-	Any-
<del> 3</del> -	Group A1 only ³ -	Any-	Any-
<del> -4_</del>	Group A1 only ³ -	Any-	Any-

₩-	Group A1 only ² -	Any-	Any-
<del>R-1</del> -	Group A1 only-	Any-	Any-
<del>R-2</del> -	Group A1 only	Any-	Any-
<del>R-3</del>	Group A1 only	Any-	Any_
<del>R-4-</del>	Group A1 only	Any-	Any_
<del>S-1</del> -	Group A1 only ² -	Any-	Any-
<del>S-2-</del>	Any ² –	Any-	Any_
₩-1₩-	Any-	Any-	Any-

### Notes:

1 See section 1105.0.

2 Any refrigerant may be used within a high-probability system when the room of space complies with section 1105.3.

3 The allowable quantities shown in table 11-1 must be reduced by 50 percent for all institutional occupancies except kitchens, laboratories, and mortuaries. (ASHRAE safety standard for refrigeration systems 15-2007 section 7.2.1.).

4 Occupancy classifications are defined in the building code.

Chapter 13 - Fuel Gas Piping

### SECTION 1301.1 APPLICABILITY

## Amend Section 1301.1 to read as follows:

1301.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa), other than service pipe.

<u>Fuel oil piping systems shall be installed in accordance with NFPA 31.</u> Whenever there is a conflict between this code and NFPA 54 and NFPA 58 as adopted by the Nevada LP-Gas Board for LP-Gas installations, the adopted codes of the Nevada LP-Gas Board shall govern.

1309.0 Gas Piping System Design, Materials, And Components. 1309.5.4 Plastic Pipe, Tubing, And Fittings. Revise section 1309.5.4 by adding an exception as follows:

1309.5.4 Plastic Pipe, Tubing, And Fittings.

Plastic pipe, tubing, and fittings used to supply fuel gas shall conform with ASTM D 2513, standard specification for thermoplastic gas pressure pipe, tubing, and fittings. Pipe to be used shall be marked "gas" and "ASTM D 2513." [NFPA 54:5.6.4.1]

### Anodeless risers shall comply with the following: [NFPA 54:5.6.4.3]

Exception: Any time polyvinyl chloride (PVC) gas conveyance material is damaged, altered or repaired, the material must be completely replaced with gas piping which complies with the mechanical and plumbing code in effect at the time.

### Section 1313.3 Test Pressure

### Amend Section 1313.3 to read as follows:

1313.3 Test Pressure. This inspection shall include an air, CO2, or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than 25 psi (172.4 kPa) gauge pressure. Test pressures shall be held for a length of time satisfactory to the Authority Having Jurisdiction but in no case less than 30 minutes with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column (3.5 kPa) pressure, the test pressure shall be not less than 60 psi (414 kPa) and shall be continued for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than 30 minutes. These tests shall be made using air, CO2, or nitrogen pressure and shall be made in the presence of the Authority Having Jurisdiction. Necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting test shall be in accordance with Section 318.0.

### SECTION 1313.5.1 TURNING GAS ON

### Amend Section 1313.5.1 to read as follows:

1313.5.1 Turning Gas On. During the process of turning gas on into a system of new gas piping or portion of a gas system that has been restored after an interruption of service, the entire system shall be inspected to determine that there are no open fittings or ends and that all valves at unused outlets are closed and plugged or capped. [NFPA 54:8.2.2]

1313.5.1.1 During the process of turning gas on into a system of new gas *piping* or into a system or portion of a gas system that has been restored after an interruption of service; in the City of Elko a manometer test shall be made after all valves, unions, connectors and piping to the appliances are complete. A pressure test shall be made with the use of a manometer gauge measuring inches of water column. With all valves including gas cock and gas control valves in the open position, a pressure of at least eleven (11) to fifteen (15) inches of water column shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure.

1313.5.1.2 For medium pressure gas systems: Where the appliance is rated for seven (7) to eleven (11) inches of water column, a manometer test of eleven (11) to fifteen (15) inches of water column will be conducted between the pressure regulating valve and the appliance and shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure. 1313.5.1.3 For appliances or equipment requiring pounds of gas pressure: A pressure test using a pressure gauge measuring in one tenth (1/10) increments shall be conducted on the gas train of that appliance or equipment. The pressure shall be equal to the appliance's normal operating pressure for a period of thirty (30) minutes with no perceptible drop in pressure.

1313.5.1.4 Manometer testing. Manometer testing shall be performed by a person holding a valid City of Elko manometer tester card for which the number is to be provided at the time of request for inspection. A manometer test does not need to be reported when the serving gas utility performs a manometer or clock test prior to providing service.

# PLUMBING CODE

2-5-1: PLUMBING CODE PROVISIONS: 2-5-2: PLUMBING CODE AMENDMENTS:

# 2-5-1: PLUMBING CODE PROVISIONS:

- A. Title: This chapter shall be known as the UNIFORM PLUMBING CODE OF THE CITY OF ELKO, hereinafter "code", including the adoption of the 20092018 Uniform Plumbing Code (UPC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) with appendices A, B, D, E, I, and L and necessary administrative provisions. Certain sections of the uniform plumbing code and appendices may be added or deleted.
- B. Applicability: All construction of or the enlarging, altering, repairing, moving, demolishing, or changing the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any component, element or portion of a building or structure within the city shall be in compliance with, in addition to, the other applicable codes or amendments set forth by the city council and the latest edition of the uniform plumbing code.
- C. Supplements: All supplements to the uniform plumbing code, issued by the International Association <u>of</u> Plumbing <u>and</u> Mechanical Officials (IAPMO), between editions are hereby not made a part of the then current edition of the uniform plumbing code.
- D. Conflict: In the event that any of the provisions of the latest edition of the uniform plumbing code conflicts with any provision of this chapter, the provisions of this chapter shall govern and be controlling.

# 2-5-2: PLUMBING CODE AMENDMENTS:

All building construction work and the inspections thereof shall be in conformity with the provisions of this code and with the latest edition of the uniform plumbing code, which is hereby adopted by the city, with the following specific deletions and additions:

Chapter 1 - Administration

Chapter 1 is deleted in its entirety except for section 101.0 Title and section 102.0 Purpose, and replaced by title 2, chapter 1, "Building Regulations Administrative Code", of the city code.

Chapter 2 - Definitions Section 205.0 - C 205.0 C Definitions. Add a new definition to section 205 to be placed in alphabetical order, as follows:

Combustible Construction - Combustible construction shall mean work within any building or structure classified as type III, type IV, type V as defined in the building code. Plastic piping is not permitted in type I and type II buildings.

# SECTION 216.0 DEFINITION NON-COMBUSTIBLE MATERIAL

Amend Section 216.0 to read as follows:

Section 216.0 Definitions. Non-Combustible Material: Materials that, when tested in accordance with ASTM E136, have at least three of four specimens tested meeting all of the following criteria:

- 1. <u>The recorded temperature of the surface and interior thermocouples shall not at any time during the test rise more than 54°F (30°C) above the furnace temperature at the beginning of the test.</u>
- 2. There shall not be flaming from the specimen after the first 30 seconds.
- 3. If the weight loss of the specimen during testing exceeds 50 percent, the recorded temperature of the surface and interior thermocouples shall not at any time during the test rise above the furnace air temperature at the beginning of the test, and there shall not be flaming of the specimen.

# Section 218.0 Definition Penetration Firestop System

Delete Section 216.0 as follows:

Section 216.0 Definitions. Non-Combustible Material: Materials that, when tested in accordance with ASTME136, have at least three or four specimens tested meeting all of the following criteria:

- **1.** The recorded temperature of the surface and interior thermocouples shall not at any during the test rise more than 54°F (30°) above the furnace temperature at the beginning of the test.
- 2. <u>2. There shall not be flaming from the specimen after the first 30 seconds.</u>
- 3. If the weight loss of the specimen during testing exceeds 50 percent, the recorded temperature of the surface and interior thermocouples shall not at any time during the test rise above the furnace air temperature at the beginning of the test, and there shall not be flaming of the specimen.

Section 218.0 Definition Penetration Firestop System

# Delete Section 218

**<u>218.90 Definitions</u>**. Penetration Firestop System. A specific assemblage of field assembled materials, or <u>a</u> factory made device, which has been tested to a standard test method and, where installed properly

on penetrating piping materials, is capable of maintaining the fire resistance rating of assemblies penetrated.

## Section 222.0 Definitions "T" Rating

## Delete Section 222.0 as follows:

**<u>222.0 Definitions</u>**. T Rating. The time period that the penetration firestop system, including the penetrating item, limits the maximum temperature rise of 325° above its initial temperature through the penetration on the non fire side, where tested in accordance with ASTM E 814 or UL 1479.

## **Chapter 3 - General Regulations**

## SECTION 312.7 FIRE-RESISTANT CONSTRUCTION

Amend Section 312.7 to read as follows:

312.7 Fire-Resistant Construction. Piping penetrations of fire-resistance-rated walls, partitions, floors, floor/ceiling assemblies, roof/ceiling assemblies, or shaft enclosures shall be protected in accordance with the requirements of the building code.

Section 313.0 - Protection Of Piping, Materials, And Structures. Revise section 313.6 as follows:

313.6 No water, soil, or waste pipe shall be installed or permitted outside of a building in an exterior wall or outside of any conditioned space unless adequate provisions are made to protect such pipe from freezing.

Chapter 4 – Plumbing Fixtures And Fixture Fittings Section 402.0 – Water Conserving Fixtures And Fittings. Revise sections 402.2 and 402.3 as follows:

## 402.2 Water Closets.

Water closets, either flush tank, flushometer tank, or flushometer valve operated, shall have an average consumption of 1.6 gallons (6.1 liters) of water per flush. A timing device or other mechanism which will automatically flush a water closet periodically or continually is prohibited.

## 402.3 Urinals.

Urinals shall have an average water consumption of 1 gallon (3.8 liters) of water per flush. A timing device or other mechanism which will automatically flush a urinal periodically or continually is prohibited.

Section 411.0 - Floor Drains. 411.2 Location Of Floor Drains. Add a new subsection 411.2.4 as follows:

411.2.4 All fire pump rooms shall be provided with a (3) inch (76 mm) minimum floor drain which must be connected to an approved trap primer.

Section 412.0 - Minimum Number Of Required Fixtures. Delete sections 412.2 through 412.6 and table 4-1 in their entirety and revise section 412.1 as follows:

412.1 Minimum Number Of Required Fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as required by the currently adopted building code. Chapter 5 - Water Heaters Section 509.0 - Appliances On Roofs. 509.3 Access To Appliances On Roofs. Revise subsection 509.3.1 as follows:

509.3.1 Gas utilization appliances located on roofs or other elevated locations shall be accessible by permanent roof access ladders, as follows:

(1) Each ladder shall have side railings which extend at least thirty (30) inches (762 mm) above the roof or parapet wall.

(2) Each ladder shall be a minimum of fourteen (14) inches (356 mm) in width.

(3) Each ladder rung shall be spaced at a maximum of fourteen (14) inches (356 mm) on center.

(4) Each ladder shall have a minimum of a six (6) inch (152 mm) toe space.

(5) Each ladder shall have intermediate horizontal landings whenever the ladder height exceeds eighteen feet (5486 mm) above finished grade. Landings shall be placed at eighteen foot (5486 mm) intervals, maximum. Exceptions:

a. Permanent exterior ladders providing roof access need not extend closer than eight (8) feet (2438 mm) to the finish grade.

b. A portable ladder may be used for access for a group R division 3 and 4 and U occupancies.

c. Permanent ladders for equipment access need not be provided at parapets or walls less than thirty (30) inches (762 mm) in height.

Section 422.0 Minimum Number of Required Fixtures

Delete Section 422.0 to read:

Section 422.0 Minimum Number of Required Fixtures.

Table 422.1 Minimum Plumbing Facilities

Delete Table 422.1 as follows:

**Table 422.1 Minimum Plumbing Facilities** 

Chapter 6 - Water Supply And Distribution

### Section 603.0 - Cross-Connection Control.

603.3 General Requirements. Revise subsection 603.3.3 as follows:

603.3.3 The premises owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation and not less than on an annual schedule thereafter, or more often when required by the city of Elko. The certified tester shall leave a copy of their backflow certification on site along with a copy of the certification of each device tested. These documents shall be recorded into the permanent record at the time of installation. The periodic testing shall be performed in accordance with the procedures referenced in table 14-1 by a tester qualified in accordance with those standards.

Section 604.0 - Materials. Add a new subsection 604.1.1 as follows:

604.1.1 Plastic piping shall be limited to buildings defined as combustible construction by this code.

Section 608.0 - Water Pressure, Pressure Regulators, Pressure Relief Valves, And Vacuum Relief Valves. Revise section 608.5 Relief Valves as follows:

### 608.5 Relief Valves.

Relief valves located inside a building shall be provided with a drain, not smaller than the relief valve outlet, of galvanized steel, hard-drawn copper piping and fittings, CPVC, flexible corrugated connectors complying with 604.12, or listed relief valve drain tube with fittings that will not reduce the internal bore of the pipe or tubing (straight lengths as opposed to coils) and shall extend from the valve to the outside of the building with the end of the pipe not more than two (2) feet (610 mm) nor less than six (6) inches (152 mm) above the ground or the flood level of the area receiving the discharge and pointing downward. Temperature and pressure relief (T & P) drains may discharge through an air gap in a floor sink or a floor drain provided they are located in normally unoccupied areas. Relief valve drains shall not terminate in a building's crawl space. No part of such drain pipe shall be trapped or subject to freezing. The terminal end of the drain pipe shall not be threaded.

Table 6-5 - Water Supply Fixture Units (WSFU) And Minimum Fixture Branch Pipe Sizes. Revise footnote number five (5) by adding the following:

Each single family dwelling shall be assigned ten (10) WSFU's for lawn sprinklers unless otherwise specified by the design professional.

## Section 609.1 Installation

## Amend Section 609.1 to read as follows:

609.1 Installation. Water piping shall be adequately supported in accordance with Table 313.3. Burred ends shall be reamed to the full bore of the pipe or tube. Changes in direction shall be made by the appropriate use of fittings, except that changes in direction in copper or copper alloy tubing shall be permitted to be made with bends, provided that such bends are made with bending equipment that does not deform or create a loss in the cross-sectional area of the tubing. Changes in direction are allowed with flexible pipe and tubing without fittings in accordance with the manufacturer's instructions. Provisions shall be made for expansion in hot-water piping. Piping, equipment, appurtenances, and devices shall be installed in a workmanlike manner in accordance with the provisions and intent of the code. Building supply yard piping shall be not less than 6 inches (152mm) below the average local frost depth. The cover shall be not less than 12 inches (305 mm) below finish grade.

Chapter 7 - Sanitary Drainage Section 701.0 - Materials. Revise section 701.0 by adding a new subsection 701.1.2.1 Materials as follows:

## 701.1.2.1 Materials.

Plastic piping used for drainage waste and vent systems shall be limited to buildings defined as combustible construction by this code.

Section 704.0 - Fixture Connection (Drainage). 704.3 Fixture Connections. Revise section 704.3 as follows:

Pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, and other similar fixtures shall be indirectly connected to the drainage systems by means of an air gap.

Section 707.0 - Cleanouts. 707.4 Cleanouts. Revise section 707.4 as follows:

Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal, and each run of piping, that is more than one-hundred (100) feet (30 480 mm) in total developed length, shall be provided with a cleanout for each one-hundred (100) feet (30 480 mm), or fraction thereof, in length of such piping. An additional cleanout shall be provided in a drainage line for each aggregate horizontal change of direction exceeding 135 degrees (2.36 rad). A cleanout shall be provided on every sewer connection serving all structures, trailers, or mobile homes, with said cleanout placed so as to fall outside of the area covered by the structure, trailer or mobile home.

## SECTION 712.1 MEDIA

## Amend Section 712.1 to read as follows:

712.1 Media. The piping of the plumbing, drainage and venting systems shall be tested with water or air except that plastic piping shall not be tested with air. The Authority Having Jurisdiction shall be permitted to require the removal of cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

## SECTION 717.1 GENERAL (SIZE OF BUILDING SEWERS)

Amend Section 717.1 to read as follows:

717.1 General. The minimum size of a building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 717.1. No building sewer

- shall be smaller than the building drain, or less than four (4) inches in diameter. For alternate methods of sizing building sewers, see Appendix C.

## SECTION 723.1 GENERAL (BUILDING SEWER TEST)

## Amend Section 723.1 to read as follows:

723.1 General. Building sewers shall be tested by plugging the end of the building sewer at its points of connection with the public sewer or private sewage disposal system and completely filling the building sewer with water from the lowest to highest point thereof, or by approved equivalent low-pressure air test. Plastic DWV piping shall not be tested by the air test method. The building sewer shall be watertight.

The remainder of the section is unchanged.

Chapter 8 - Indirect Wastes Section 801.0 - Indirect Wastes. 801.2 Food And Beverage Handling Establishments. Revise subsection 801.2.2 as follows:

801.2.2 For walk-in coolers, floor drains shall be permitted to be connected to a separate drainage line discharging into an outside receptor. The flood level rim of the receptor shall be not less than six (6) inches (152 mm) lower than the lowest floor drain. Such floor drains shall be trapped and individually vented. Cleanouts shall be provided at every ninety (90) degree (1.6 rad) turn and shall be accessibly located. Such waste shall discharge through an airgap into a trapped and vented receptor, except that a full-size airgap is required where the indirect waste pipe may be under vacuum.

801.2 Food And Beverage Handling Establishments. Revise section 801.2 by adding a new subsection 801.2.4 Floor Sinks as follows:

801.2.4 Floor Sinks. Floor sinks shall be installed flush with the finished floor and shall be accessible for cleaning. Chapter 9 - Vents Section 903.0 - Materials. Revise section 903.1 by adding a new subsection 903.1.2.1 as follows:

903.1.2.1 Plastic piping used for drainage waste and vent systems shall be limited to buildings defined as combustible construction by this code. Chapter 10 - Traps And Interceptors Section 1016.0 - Sand Interceptors. Revise section 1016.0 by adding a new subsection 1016.4 as follows: 1016.4 Sand/Oil Interceptor Sizing Data:

(Square footage area of the facility/facility factor) x 7.48) x 2 = volume of interceptor

Example: 3 bay car wash calculations:

Square footage area of the facility	= 1500 square feet		
Divided by facility factor (below)	=/25-		
Multiply by the gallons per cu. ft-	<del>= x 7.48</del> -		
Multiply by the retention time (2 hour)	= <del>x 2</del> -		
Volume of the interceptor-	<del>= 897.6 gallons</del> -		
Manufactured size (traffic rated)	1000 gallon sand/oil interceptor		

Facility factor:

One (1) cu. ft of interceptor capacity equals:

* 25 sq. feet of floor space at: truck washes, manual and automatic car wash

* 100 sq. feet of floor space at: machine shop, automotive workshops, storage garage/warehouse

* 250 sq. feet of floor space at: paint spray booths

* 300 sq. feet of floor space at: printers

* 2000 sq. feet of floor space at: parking garages (where floors are to be washed)
 Chapter 11 - Storm Drainage
 Section 1101.0 - General.
 1101.3 Material Uses.
 Revise section 1101.3 by adding a new subsection 1101.3.1 as follows:

1101.3.1 Plastic piping used for rainwater systems shall be limited to buildings defined as combustible construction by this code.

## SECTION 1107.2 METHODS OF TESTING STORM DRAINAGE SYSTEMS

Amend Section 1107.2 to read as follows:

1107.2 Methods of Testing Storm Drainage Systems. Except for outside leaders and perforated or open-jointed drain tile, the piping of storm drain systems shall be tested upon completion of the rough piping installation by water or air, except that plastic pipe shall not be tested with air and proved tight. The Authority Having Jurisdiction shall be permitted to require the removal of

cleanout plugs to ascertain whether the pressure has reached parts of the system. One of the following test methods shall be used in accordance with Section 1109.2.1 through Section 1109.2.3.

Chapter 12 - Fuel Piping

# SECTION 1201.1 INSTALLATION

Amend Section 1201.1 to read as follows:

1201.1 Installation. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 poundsforce per square inch (34 kPa) other than service pipe. Fuel oil piping systems shall be installed in accordance with NFPA31. Whenever there is a conflict between this code and NFPA 54 and NFPA 58 as adopted by the Nevada LP-Gas Board for LP-Gas installations, the adopted codes of the Nevada LP-Gas Board shallgovern.

# SECTION 1208.6.1.3 SNOW HAZARD

Add Section 1208.6.1.3 to 1208.6 to read as follows:

1208.6.1.3 Snow Hazard: Protection of utilities shall be per requirements of local utility.

Section 1209.0 Gas-Piping System Design, Materials, And Components. 1209.5.4 Plastic Pipe, Tubing, And Fittings. Revise section 1209.5.4 by adding an exception as follows:

1209.5.4 Plastic Pipe, Tubing, And Fittings. Plastic pipe, tubing, and fittings used to supply fuel gas shall conform with ASTM D 2513, standard specification for thermoplastic gas pressure pipe, tubing, and fittings. Pipe to be used shall be marked "gas" and "ASTM D 2513." [NFPA 54:5.6.4.1]

Exception: Any time polyvinyl chloride (PVC) gas conveyance material is damaged, altered or repaired, the material must be completely replaced with gas piping which complies with the mechanical and plumbing code in effect at the time.

# SECTION 1213.3 TEST PRESSURE

## Amend Section 1213.3 to read as follows:

1213.3 Test Pressure. This inspection shall include an air, CO2, or nitrogen pressure test, at which time the gas piping shall stand a pressure of not less than 25 psi (172.4 kPa) gauge pressure. Test pressures shall be held for a length of time satisfactory to the Authority Having Jurisdiction, but in no case less than 30 minutes with no perceptible drop in pressure. For welded piping, and for piping carrying gas at pressures in excess of 14 inches water column pressure (3.5 kPa), the test pressure shall be not less than 60 psi (414 kPa) and shall be continued for a length of time satisfactory to the Authority Having Jurisdiction, but in no case for less than 30 minutes. These tests shall be made

using air, CO2, or nitrogen pressure and shall be made in the presence of the Authority Having Jurisdiction. Necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall be in accordance with Section 318.0.

## SECTION 1213.5.1 TURNING GAS ON

## Amend Section 1213.5.1 to read as follows:

1213.5.1 Turning Gas On. During the process of turning gas on into a system of new gas piping or into a system or portion of a gas system that has been restored after an interruption of service, the entire system shall be inspected to determine that there are no open fittings or ends and that the valves at unused outlets are closed and plugged or capped. [NFPA 54:8.2.2]

1213.5.1.1 During the process of turning gas on into a system of new gas *piping* or into a system or portion of a gas system that has been restored after an interruption of service; in the City of Elko a manometer test shall be made after all valves, unions, connectors and piping to the appliances are complete. A pressure test shall be made with the use of a manometer gauge measuring inches of water column. With all valves including gas cock and gas control valves in the open position, a pressure of at least eleven (11) to fifteen (15) inches of water column shall be measured for at least fifteen (15) minutes, with no perceptible drop in pressure.

1213.5.1.2 For medium pressure gas systems: Where the appliance is rated for seven (7) to eleven (11) inches of water column, a manometer test of eleven (11) to fifteen (15) inches of water column will be conducted between the pressure regulating valve and the appliance and shall be measured for at least fifteen (15) minutes with no perceptible drop in pressure.

1213.5.1.3 For appliances or equipment requiring pounds of gas pressure: A pressure test using a pressure gauge measuring in one tenth (1/10) increments shall be conducted on the gas train of that appliance or equipment. The pressure shall be equal to the appliance's normal operating pressure for a period of thirty (30) minutes with no perceptible drop in pressure.

Chapter 15 - Firestop Protection Delete chapter 15 in its entirety. Refer to the currently adopted IBC. Chapter 16 - Nonpotable Water Reuse Systems Delete chapter 16, Nonpotable Water Reuse Systems in its entirety. Refer to the effluent management plan for the city of Elko. (Ord. 761, 9-11-2012)

## Chapter 6

## ELECTRICAL CODE

2-6-1: ELECTRICAL CODE PROVISIONS: 2-6-2: ELECTRICAL CODE AMENDMENTS:

2-6-1: ELECTRICAL CODE PROVISIONS:

- A. Title: This chapter shall be known as the *ELECTRICAL CODE OF THE CITY OF ELKO*, hereinafter "code", including the adoption of the 2008 2017 National Electrical Code and necessary provisions.
- B. Applicability: The provisions of this chapter shall apply to all new construction, relocated buildings, and to any alterations, repairs, or reconstruction, except as provided for otherwise in this chapter. All electrical construction work, electrical alterations or repair, installation and maintenance of overhead and underground electrical supply and communication lines and the inspections thereof shall be in conformity with the provisions of this chapter and with the 2008 edition of the national electrical code, along with supplements as adopted by the National Fire Protection Association, which are hereby adopted by the city.
- C. Conversions <u>to</u> Commercial <u>or</u> Industrial Uses: In the event that any residential use presently permitted in any commercially or industrially zoned area, which is presently being used as a residence, is converted to a commercial or industrial use, such building, structure or other property must be rewired with electrical wiring and equipment which meets commercial and industrial standards established pursuant to this chapter and the national electrical code.
- D. Construction Power: The city is hereby empowered and authorized to permit and approve the use of electrical current through any wiring or equipment for the purpose of construction. Permits for construction power shall be issued only after the primary building permit has been issued. Any wiring or equipment shall comply with the limitations and restrictions of the electrical code. Construction power wiring and equipment must be removed prior to the final building inspection. (Ord. 727, 2-8-2011)

## 2-6-2: ELECTRICAL CODE AMENDMENTS:

All electrical construction work, electrical alterations or repair, installation and maintenance of overhead and underground electrical supply and communication lines and the inspections thereof, shall be in conformity with the provisions of this chapter and with the latest edition of the national electrical code, along with supplements as adopted by the National Fire Protection Association, which are hereby adopted by the city, with the following specific additions and deletions:

Article 90 – Introduction

Section 90.2 (B)(5)(a) Scope.

Revise item (a) of section 90.2 (B)(5) as follows:

a. Consist of service drops or service laterals, and associated metering and monitoring equipment, or Chapter 1; Article 110 - Requirements **for** Electrical Installations

Section 110.12 Mechanical Execution of Work.

Add a new subsection (C) as follows:

(C) Abandoned Conductors <u>and</u> Cables. For those structures regulated by the building or swimming pool code, no electrical conductors or cables shall be abandoned in place. Such conductors or cables shall be

removed from the building or structure back to the panelboard unless otherwise approved by the city based upon consideration of safety and combustibility.

Add a new subsection (D) as follows:

(D) Used Materials <u>and</u> 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 city.

Section 110.26 Spaces About Electrical Equipment. Revise section 110.26 (C)(2) as follows:

(2) Large Equipment. For equipment rated 1200 amperes or more and over 1.8 m (6 ft) wide that contains overcurrent devices, switching devices, or control devices, there shall be one entrance to and from the required working space not less than 610 mm (24 in.) wide and 2.0 m ( $6^{1}/_{2}$  ft) high at each end of the working space. When more than one entrance is required by this section both entrances shall open to the exterior of the building or into an approved means of egress that is not under the control of an individual tenant.

A single entrance to and egress from the required working space shall be permitted where either of the conditions in 110.26 (C)(2)(a) or (C)(2)(b) is met.

The remainder of this section remains unchanged. Section 110.33 Entrance <u>to</u> Enclosures <u>and</u> Access <u>to</u> Working Space.

Revise section 110.33 (A)(1) as follows:

Large Equipment. On switchboard and control panels exceeding 1.8 m (6 ft) in width, there shall be one entrance at the end of the equipment. When more than one entrance is required by this section both entrances shall open to the exterior of the building or into an approved means of egress that is not under the control of an individual tenant. A single entrance to the required working space shall be permitted where either of the conditions in 110.33 (A)(1)(a) or (A)(1)(b) is met.

The remainder of this section remains unchanged.

Chapter 2; Article 210 - Branch Circuits

Section 210.23 Permissible Loads.

Add a new subsection (E) to section 210.23 as follows:

(E) Dwelling Branch Circuits.

Maximum Number (15-Ampere). The maximum number of outlets on a 15-ampere, 125 volt (nominal) luminaire lighting fixture circuit shall be twelve (12) and shall not contain general purpose outlets. The maximum number of outlets on a 15-ampere, 125 volt (nominal) general purpose (duplex receptacle)

circuit shall be eight (8). The maximum number of outlets on a 15-ampere, 125 volt (nominal) combination (luminaire lighting fixture and general purpose outlets) circuit shall be eight (8).

Exception No. 1: Dedicated branch circuits feeding only IC rated recessed luminaires (recessed lighting fixtures) and/or low wattage energy efficient luminaires (lighting fixtures) may use article 220.14 (D) for maximum number of lighting outlets.

Exception No. 2: In branch circuits serving smoke detectors the smoke detectors outlets need not be counted with the other lighting outlets.

Maximum Number (20-Ampere). The maximum number of outlets on a 20-ampere, 125-volt (nominal) luminaire lighting fixture circuit shall be fourteen (14) and shall not contain general purpose outlets. The maximum number of outlets on a 20-ampere, 125 volt (nominal) general purpose (duplex receptacle) circuit shall be ten (10). The maximum number of outlets on a 20-ampere, 125 volt (nominal) combination (luminaire lighting fixture and general purpose outlets) circuit shall be ten (10).

Exception No. 1: Dedicated branch circuits feeding only IC rated recessed luminaires (recessed lighting fixtures) and/or low wattage energy efficient luminaires (lighting fixtures) may use article 220.14(D) for maximum number of lighting outlets.

Exception No. 2: In branch circuits serving smoke detectors the smoke detectors outlets need not be counted with the other lighting outlets.

Individual Branch Circuits. The following fastened-in-place appliances are required to have a separate minimum 20-ampere circuit: dishwasher, trash compactor and microwave oven. The required laundry circuit may serve one (1) additional outlet in the laundry area.

# Section 210.52 Dwelling Unit Receptacle Outlets.

# 210.52(A)(2) WALL SPACING

# Amend Section 210.52(A)(2) of Section 210.52(A) General Provisions to read as follows:

210.52(A)(2) Wall Spacing. As used in this section, a wall space shall include any of the following:

- 1. Any space 600 mm (2 ft) or more in width (including space measured around corners) and unbroken along the floor line by doorways and similar openings, fireplaces, and fixed cabinets that do not have countertops or similar work surfaces.
- 2. The space occupied by fixed panels in walls, excluding sliding panels.
- 3. <u>The space afforded by fixed room dividers, such as free-standing bar-type counters or railings.</u>

# **Exceptions**

- 1. The space behind operable doors.
- 2. Vestibules, hallways, and similar areas less than 5 ft wide in bedrooms.

Revise section 210.52 (B)(3), and add a new exception as follows:

Kitchen Receptacle Requirements. Receptacles installed in a kitchen to serve countertop surfaces shall be limited to four (4) duplex receptacles on a circuit. They shall be supplied by not fewer than two small-appliance branch circuits, either or both of which shall also be permitted to supply receptacle outlets in the same kitchen or in other rooms as specified in 210.52(B)(1). Additional small-appliance branch circuits shall be permitted to supply receptacle outlets in the kitchen and other rooms specified in 210.52(B)(1). No small-appliance branch circuit shall be permitted to supply receptacle outlets in the kitchen and other rooms specified in 210.52(B)(1). No small-appliance branch circuit shall serve more than one kitchen.

Exception: Receptacles installed to provide power for electric ignition systems or clock timers for gasfired ranges, ovens or counter-mounted cooking units.

Section 210.70 Lighting Outlets Required.

Revise item (1) in section 210.70 (A) as follows:

(1) Habitable Rooms. At least one wall switch-controlled lighting outlet shall be installed in every habitable room and bathroom. Unless prohibited by structural design, a wall switch shall be located within 1.8 m (6 ft) of the point of entry, and shall not be located behind an active door in the fully open position.

The remainder of this section remains unchanged.

Section 210.70 (A)(2)(a) Additional Locations. Revise item (a) in section 210.70 (A)(2) as follows:

**Additional Locations:** 

(a) At least one wall switch-controlled lighting outlet shall be installed in hallways, stairways, attached garages, and detached garages with electric power. Hallways of 3.0 m (10 ft) or more in length shall have wall switches at each end. There shall be a wall switch within 1.8 m (6 ft) of each bedroom door unless prohibited by structural design.

Section 210.70 (A)(2)(b) Additional Locations.

Revise item (b) is section 210.70 (A)(2)(b) as follows:

Additional Locations:

(b) For dwelling units, attached garages, and detached garages with electric power, at least one wallswitch controlled lighting outlet shall be installed to provide illumination on the exterior side of outdoor entrances or exits with grade level access. A vehicle door shall not be considered as an outdoor entrance or exit with grade level access. At least one wall switch that controls an interior lighting outlet shall be located at each keyed exterior entry. This switch shall be located within 1.8 m (6 ft) of the latching jamb side, unless prohibited by structural design, and not behind an active door in the fully open position.

Section 210.70(A)(4) Closets.

Add a new subsection (4) to section 210.70(A) as follows:

(4) Closets. All walk-in closets or storage areas of 1.86 sq. m (20 square feet) or more in floor area shall contain a light fixture controlled by a wall switch.

Section 210.70 (D) Self-Service Storage Facilities. Add a new subsection (D) to section 210.70 as follows:

(D) Self-Service Storage Facilities. All self-service storage facilities shall have egress illumination as required by the building code.

Chapter 2; Article 225 - Outside Branch Circuits And Feeders

Section 225.31 Disconnecting Means. Revise section 225.31 as follows:

**Disconnecting Means.** 

Means shall be provided for disconnecting all ungrounded conductors that supply or pass through the building or structure. When more than one building or other structure is on the same property and under single management, each building or other structure served shall be provided with means for disconnecting all ungrounded conductors. The disconnecting means shall be installed outside of the building served at a readily accessible location. A shunt trip may be used to satisfy this requirement where:

(1) It is located at seven (7) feet above finished grade.

(2) It is located within an equilateral triangle (12 inch minimum), red in color.

Section 225.32 Locations

## Amend section 225.32 as follows:

## 225.32 Location

The disconnecting means shall be installed attached as described in 230.70 of these amendments. For the purposes of this section the requirements in 230.6 shall be utilized.

Exception No. 1: For installations under single management, where documented safe switching procedures are established and maintained for disconnection, and where the installation is monitored by qualified individuals, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception No. 2: For buildings or other structures qualifying under the provisions of article 685, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception No. 3: For towers or poles used as lighting standards, the disconnecting means shall be permitted to be located elsewhere on the premises.

Exception No. 4: For accessory buildings to one and two-family dwellings the disconnecting means may be installed either inside or on the exterior of the accessory structure.

*Exception No. 5: The disconnecting means shall be located independent of the building or structure served, in direct line of sight, but not to exceed thirty feet (30').* 

*Exception No. 6: The service disconnecting means may be installed within a building when* an <u>external</u> remote shunt switch is provided. All shunt trip switches shall be located at seven feet (7') above finish grade at a location approved by the fire department. All shunt trip switches shall be located within a twelve inch (12") equilateral triangle, red in color.

Chapter 2; Article 230 - Services Section 230.70 General. Revise section 230.70 General, in its entirety, as follows:

230.70 General.

Means shall be provided to disconnect all ungrounded service entrance conductors to a building or structure.

(A) Location. The service disconnecting means shall be installed in accordance with 230.70(A)(1), (2), (3), (4) and (5).

(1) Exterior Of The Building. The service disconnecting means shall be installed in a readily accessible exterior location and within 3.7 m (12 ft.) of the building or structure. Where the distance is greater than 3.7 m (12 ft.) from the building or structure the service disconnecting means shall be considered as a separate structure.

Exception: A fire pump and its associated electrical equipment.

(2) Electrical Equipment Room. The service disconnecting means may be installed within a dedicated electrical equipment room with a readily accessible direct access on the exterior of a building or structure. Such rooms shall be separated from all other rooms or spaces within the building by a minimum of one (1) hour fire resistive construction and shall have approved fire department access.

(3) Bathrooms. Service disconnecting means shall not be installed in bathrooms.

(4) Remote Control. Where a remote control device(s), required by another code such as in a fire command center, is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A)(1) or (2). The remote control device shall be supervised by a local signaling service that causes an audible signal and illumination of an amber visual signal at the fire command center and at each auxiliary location required for the life safety system.

(5) Emergency Systems, Information Technology Equipment And Uninterruptible Power Supplies (UPS). Emergency systems driven by prime movers and UPS systems shall have separate disconnecting means with separate identification. Information technology equipment rooms complying with article 645.2 shall be permitted to have their disconnecting means installed per article 645.10 and 645.11 if identified at the same location as the "service disconnect." (B) Marking. Each service disconnecting means shall be marked with a sign(s). When located in a dedicated electrical room the exterior door(s) providing access to the disconnecting means located in a dedicated electrical room shall be permanently marked with a sign(s). Each sign shall be a minimum 0.093 sq. m (1 sq. foot), colored red with 25.4 mm (1 inch) high; 6.35 mm (¹/₄ inch) stroke raised or engraved letters and/or numbers indicating the address or unit it serves and be identified as the "Electrical Service Disconnect(s)" and/or "Electrical Service Disconnect(s) Inside." Emergency systems disconnects shall be permanently marked with sign(s), identified as "Emergency Electrical Disconnect(s)" and/or "Main Emergency Electrical Disconnect(s) Inside." When the service disconnecting means is located inside a dedicated electrical room and it is not the first service disconnect encountered or there are multiple service disconnects there shall be a directional 75 mm (3 inch) wide painted red stripe on the floor from the entry door(s) to each service disconnect.

Exception: One and two family dwelling units and their associated accessory structures.

(C) Suitable For Use. Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of articles 500 through 517.

# 230.70(A)(1) READILY ACCESSIBLE LOCATION

# Amend Section 230.70(A)(1) of Section 230.70 General to read as follows:

230.70 (A)(1) Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure nearest the point of entrance of the service conductors. The disconnecting means may be located independent of the building or structure served, in direct line of sight, but not to exceed thirty feet (30').

Exception: The service disconnecting means may be installed within a building when an external remote shunt switch is provided. All shunt trip switches shall be located at seven feet (7') above finish grade at a location approved by the fire department. All shunt trip switches shall be located within a twelve inch (12") equilateral triangle, red in color.

# 240.51(B) REPLACEMENT ONLY

# Amend Section 240.51(B) of Section 240.51 Edison-Base Fuses to read:

240.51(B) Replacement Only. Plug fuses of the Edison-base type shall be used only for replacements in existing installations where there is no evidence of overfusing or tampering. In any existing building where alterations or additions are made to any of the premises wiring, all fuse holders shall comply with Article 240.54.

Chapter 2; Article 250 - Grounding And Bonding

Section 250.32 Buildings Or Structures Supplied By A Feeder Or Branch Circuit. Revise section 250.32(A) as follows: (A) Grounding Electrode. For the purposes of this section all buildings or structures not joined by a continuous concrete foundation or footing and roof shall be considered as separate buildings or structures. Building(s) or structure(s) supplied by feeder(s) or branch circuit(s) shall have a grounding electrode system installed in accordance with part III of article 250. The grounding electrode conductor(s) shall be connected in accordance with 250.32(B) or (C). Where there is no existing grounding electrode, the grounding electrode(s) required in 250.50 shall be installed. Section 250.50 Grounding Electrode System.

Revise section 250.50 as follows:

250.50 Grounding Electrode System.

All grounding electrodes as described in 250.52(A)(1) through (A)(7) that are present at each building or structure served shall be bonded together to form the grounding electrode system.

Where none of these grounding electrodes exist, one or more of the grounding electrodes specified in 250.52(A)(4) through (A)(8) shall be installed and used. The concrete encased electrode described in article 250.52(A)(3) shall be required for new buildings and structures that are supplied with electrical power and have concrete foundations or footings.

Exception: Concrete-encased electrodes of existing buildings or structures shall not be required to be part of the grounding electrode system where the steel reinforcing bars or rods are not accessible for use without disturbing the concrete.

## 250.118(4) TYPES OF EQUIPMENT GROUNDING CONDUCTORS

<u>Amend Section 250.118(4) of Section 250.118 Types of Equipment Grounding Conductors to read as</u> <u>follows:</u>

250.118 Types of Equipment Grounding Conductors

(3) <u>Electrical metallic tubing with the exception of where the metallic raceway is subject to either</u> damage or likely to be disturbed in the future under normal operating conditions, this determination shall be made by the Authority Having Jurisdiction.

FPN: An example of "subject to damage" is a surface installed conduit running along a traffic path. An example of "likely to be disturbed" is a surface installed conduit running across a rooftop, where future re-roofing operations will require the conduit to shifted, damaged, removed or relocated.

250.120 Equipment Grounding Conductor Installation

Section 250.120 Equipment Grounding Conductor Installation. Add a new subsection (D) to section 250.120 as follows:

(D) Equipment Grounding Conductor. All raceways installed on roofs shall contain an equipment grounding conductor sized per table 250.122 installed with the circuit conductors.

Exception No. 1: Low voltage, communication and similar type systems unless required elsewhere in the code

Section 250.120 Equipment Grounding Conductor Installation. Add a new subsection (D) to section 250.120 as follows:

(D) Equipment Grounding Conductor. All raceways installed on roofs shall contain an equipment grounding conductor sized per table 250.122 installed with the circuit conductors.

Exception No. 1: Low voltage, communication and similar type systems unless required elsewhere in the code.

Exception No. 2: As permitted by article 250.86 for short sections of metal enclosures or raceways. Table 250.122 Minimum Size Equipment Grounding Conductors For Grounding Raceway And Equipment. Revise the minimum aluminum or copper-clad aluminum wire size for a 4000 amp overcurrent device, as follows:

Rating Or Setting Of Automatic Overcurrent Device In Circuit Ahead Of Equipment, Conduit, Etc., Not Exceeding (Amperes)–	<del>Size (AWG Or</del> kcmil) Copper-	Size (AWG Or kcmil) Aluminum Or Copper-Clad Aluminum*-
4000-	<del>500</del> -	<del>750</del> -

Chapter 3

## 314.17(C) NONMETALLIC BOXES AND CONDUIT BODIES

# <u>Amend Section 314.17(C) of Section 314.17 Conductors entering Boxes, Conduit Bodies, or</u> <u>Fittings to read as follows:</u>

314.17(C) Nonmetallic Boxes and Conduit Bodies. Nonmetallic boxes and conduit bodies shall be suitable for the lowest temperature-rated conductor entering the box. Where nonmetallic boxes and conduit bodies are used with messenger-supported wiring, open wiring on insulators, or concealed knob-and-tube wiring, the conductors shall enter the box through individual holes. Where flexible tubing is used to enclose the conductors, the tubing shall extend from the last insulating support to not less than 6 mm (1/4 in.) inside the box and beyond any cable clamp. Where non-metallic sheathed cable or multiconductor Type UF cable is used, the sheath shall extend not less than 6 mm (1/4 in.) inside the box and beyond any cable clamp. In all instances, all permitted wiring methods shall be secured to the boxes.

Exception: where non-metallic sheathed cable or multiconductor Type UF cable is used with boxes mounted in walls or ceilings, and where the cable is fastened within 200 mm (8 in.) of the box measured along the sheath and where the sheath extends through a cable knockout not less than 6 mm (1/4 in.), securing the cable to the box shall not be required. Multiple cable entries shall be permitted in a single cable knockout opening.

Article 358 - Electrical Metallic Tubing: Type EMT

Section 358.12 Uses Not Permitted. Add new items (7), (8) and (9) to section 358.12 as follows: (7) Embedded within concrete or masonry in contact with earth.

(8) Underground installations.

(9) Within earth fills.

358.12 Uses Not Permitted

Amend Section 358.12 to read as follows:

358.12 Uses Not Permitted. EMT shall not be used under the following conditions:

- 1. Where subject to severe physical damage.
- 2. For the support of luminaires or other equipment except conduit bodies no larger than the largest trade size of the tubing.
- 3. In direct contact with earth.

Chapter 5; Article 514 - Motor Fuel Dispensing Facilities

Section 514.11 (A) Circuit Disconnects. General. Revise section 514.11(A) as follows:

(A) General. Each circuit leading to or through dispensing equipment, including equipment for remote pumping systems, shall be provided with a clearly identified and readily accessible switch or other acceptable means, located remote from the dispensing devices, to disconnect simultaneously from the source of supply, all conductors of the circuits, including the grounded conductor, if any. Single-pole breakers utilizing handle ties shall not be permitted. The switch shall be a momentary contact type. The disconnect station sign shall be 0.093 sq. m (1 ft square), colored red and have black, 25.4 mm (1 inch) high, 6.35 mm (¹/₄ inch) stroke permanent lettering describing it as "Emergency Pump Shutoff".

Section 690.14 Additional Provisions.

Delete the exception and revise section 690.14(C)(1) as follows:

(1) Location. The photovoltaic disconnecting means and overcurrent device shall be installed at an accessible location on the outside of a building before any system conductors enter the building or structure.

The photovoltaic system disconnecting means shall not be installed in bathrooms. Chapter 7; Article 700 - Emergency Systems

## 700.10(D) Fire Protection

Amend Section 700.10(D) of Section 700.10 Wiring, Emergency System to read as follows:

700.10(D) Fire Protection. Emergency systems shall meet the additional requirements in (D)(1) through (D)(3) in the following occupancies:

- 1. Assembly occupancies for not less than 1000 persons
- 2. Buildings above 55 ft in height
- 3. Health care occupancies where persons are not capable of self-preservation.
- 4. Educational occupancies with more than 300 occupants

## 700.12 GENERAL REQUIREMENTS

## Amend Section 700.12 to read as follows:

700.12 General Requirements. Current supply shall be such that, in the event of failure of the normal supply to, or within, the building or group of buildings concerned, emergency lighting, emergency power, or both shall be available within the time required for the application but not to exceed 10 seconds. The supply system for emergency purposes, in addition to the normal services to the building and meeting the general requirements of this section, shall be one or more of the types of systems described in 700.12(A) through (E). Unit equipment in accordance with 700.12(F) shall satisfy the applicable requirements of this article.

In selecting an emergency source of power, consideration shall be given to the occupancy and the type of service to be rendered, whether of minimum duration, as for evacuation of a theater, or longer duration, as for supplying emergency power and lighting due to an indefinite period of current failure from trouble either inside or outside the building.

Equipment shall be designed and located so as to minimize the hazards that might cause complete failure due to flooding, fires, icing, and vandalism.

Equipment for sources of power as described in 700.12(A) through (E) shall be installed either in spaces fully protected by approved automatic fire suppression systems (sprinklers, carbon dioxide systems, and so forth) or in spaces with a 2-hour fire rating where located within the following:

- 1. Assembly occupancies for more than 1000 persons.
- 2. <u>Buildings above 55 feet in height with any of the following occupancy classesassembly, educational, residential, detention and correctional, business, and</u> <u>mercantile</u>
- 3. Health care occupancies where persons are not capable of self-preservation
- 4. Educational occupancies with more than 300 occupants

Section 700.12 (B) Generator Set.

Add a new subsection (7) to section 700.12 (B) as follows:

(7) The emergency generator must not be located more than 55 feet (22 860 mm) above the lowest level of fire department vehicle access. When the generator set is located inside a building it must be located in a room dedicated to the emergency power supply system. This room must be separate from

the interior of the building by a minimum of two-hour resistive construction or must be in room(s) fully protected by approved automatic fire suppression systems. Unless otherwise required by building codes openings for generator cooling and exhaust is required to be fire-resistive construction.

When a generator set is located within 1.5 m (5 ft) of a building it must be separated from the building with a rated separation wall equal to the highest fire rating within the building that has no openings. It must be isolated within an enclosure and protected from physical damage.

When a generator set is located more than 1.5 m (5 ft) from a building it must be isolated within an enclosure and protected from physical damage. (Ord. 727, 2-8-2011)

# Chapter 7 ENERGY CONSERVATION CODE

# 2-7-1: ENERGY CONSERVATION CODE PROVISIONS: 2-7-2: ENERGY CONSERVATION CODE AMENDMENTS:

## 2-7-1: ENERGY CONSERVATION CODE PROVISIONS:

- A. Title: This chapter shall be known as the INTERNATIONAL ENERGY CONSERVATION CODE OF THE CITY OF ELKO, hereinafter "code", including the adoption of the 2009–2018 International Energy
   <u>C</u>onservation <u>C</u>ode and necessary administrative provisions. Certain sections of the international energy conservation code and appendices may be added or deleted.
- B. Applicability: All construction of or the enlarging, altering, repairing, moving, demolishing, or changing the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any component, element or portion of a building or structure within the city shall be in compliance with, in addition to, the other applicable codes or amendments set forth by the city council and the latest edition of the international energy conservation code.
- C. Materials: These provisions are not intended to prevent the use of any material or method of construction not specifically prescribed herein, provided the city of Elko has approved any alternates.
- D. Supplements: All supplements to the international energy conservation code, issued by the International Code Council Inc., between editions are hereby not made a part of the then current edition of the international energy conservation code.
- E. Conflicts: In the event that any of the provisions of the latest edition of the international residential code conflict with any provision of this chapter, the provisions of this chapter shall govern and be controlling. (Ord. 728, 2-8-2011)

## 2-7-2: ENERGY CONSERVATION CODE AMENDMENTS:

Chapter 1 - Administration

Chapter 1 is deleted in its entirety except for sections 101 and 102.

Section 101 - Scope And General Requirements. Revise section 101 as follows:

101.4.3 Additions, Alterations, Renovations Or Repairs.

Additions, alterations, renovations or repairs to an existing building, building system or portion thereof shall conform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Additions, alterations, renovations or repairs shall not create an unsafe or hazardous condition or overload existing building systems. The addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building. Exceptions:

The following need not comply provided the energy use of the building is not increased:

1. Storm windows installed over existing fenestrations.

2. Glass only replacements in an existing sash and frame.

3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.

4. Construction where the existing roof, wall or floor cavity is not exposed.

5. Reroofing for roofs where neither the sheathing nor the insulation is exposed. Roofs without insulation in the cavity and where the sheathing or insulation is exposed during reroofing shall be insulated either above or below sheathing.

6. Replacement of existing doors that separate conditioned space from the exterior shall not require installation of the vestibule or revolving door, provided, however, that an existing vestibule that separates a conditioned space from the exterior shall not be removed.

7. Alterations that replace less than 50 percent of the luminaires in a space provided that such alterations do not increase the installed interior lighting power.

8. Alterations that replace only the bulb and ballast within the existing luminaires in a space provided that the alteration does not increase the installed interior lighting power.

9. Relocations only of existing luminaires within an existing area enclosed by walls or floor to ceiling partitions.

Section C102.1.1 Above code program

Amend Section C102.1.1 to read as follows:

C102.1.1 Above code programs. The code official or other authority having jurisdiction shall be

permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Programs seeking approval must submit all requested supporting documentation, including program guidelines, protocols, calculations and program simulation performance software, if applicable, to the NNICC and/or jurisdiction for review for use as acceptable software. Buildings approved in writing by such an energy efficiency shall be considered to be in compliance with this code. The requirements identified as "mandatory" in Chapter 4 shall be met.

101.5.2.1 Low Energy Buildings is amended to read as follows:

101.5.2 Low Energy Buildings.

The following buildings, or portions thereof, separated from the remainder of the building by building thermal envelope assemblies complying with this code shall be exempt from the building thermal envelope provisions of this code:

1. Those with a peak design rate of energy usage less than 3.4 Btu's/h/ft² (10.7W/m²) or 1.0 watt/ft² (10.7W/m²) of floor area for space conditioning purposes.

2. Those that do not contain conditioned space.

3. Those spaces that employ evaporative cooling as the sole source of conditioning.

4. Spaces whose sole purpose is to house and protect from freezing risers and mechanisms directly related to the building fire suppression system. Chapter 2 – Definitions

## SECTION C201.3 TERMS DEFINED IN OTHER CODES

Amend Section C201.3 to read as follows:

C201.3 Terms defined in other codes. Terms that are defined in this code but are defined in the International Building Code, International Fire Code, Uniform Mechanical Code, Uniform Plumbing Code, or the International Residential Code shall have the meanings ascribed to them in those codes.

Section 202 - Definitions.

Revise section 202 by adding the definitions as follows:

Luminaire. A complete lighting unit consisting of a light source such as a lamp or lamps, together with the parts designed to position the light source and connect it to the power supply. It may also include parts to protect the light source or the ballast or to distribute the light. A lamp-holder itself is not a luminaire.

Occupant Sensor (Lighting). A device that detects the presence or absence of people within an area and causes lighting to be regulated accordingly. The term "occupant sensor" applies to a device that controls indoor lighting systems. When the device is used to control outdoor lighting systems, it is defined as a

motion sensor. This definition also applies to "occupancy sensor" and "occupant-sensing device." When used with a manual device for initial activation, an occupant sensor may be called a "vacancy sensor."

## SECTION C202 GENERAL DEFINITIONS

## Amend Section C202 by adding the following definitions to read as follows:

## **C202** General Definitions

CASINO. A structure that houses a business with a Non-Restricted Gaming License from the Nevada Gaming Commission and State Gaming Control Board. It includes the gaming area(s) as well as the adjacent area(s) within the building envelope.

CASINO GAMING AREA. The space within a *casino* wherein gaming is conducted. The gaming area shall also include accessory uses within the same room(s) as, or substantially open to the gaming floor(s). Such areas shall include, but not be limited to lobbies, balconies, public circulation areas, assembly areas, restaurants, bars, lounges, food courts, retail spaces, mezzanines, convention pre-function areas, cashiers' cages, players' clubs, customer support, conservatories and promenades that share the same atmosphere, spillover lighting and theme lighting with the adjacent gaming floor area. For accessory areas situated on the perimeter of the gaming floor to be considered substantially open, the walls(s) or partitions(s) separating an accessory space from the gaming area must be a minimum of 50% open, as measured from the interior side of the accessory space, with no doors, windows and other obstructions, other than roll up security grills, installed within the opening.

Chapter 4 - Residential Energy Efficiency Section 401 - General. Revise section 401.3 as follows:

## 401.3 Certificate.

A permanent certificate shall be posted in a conspicuous place on or in the home. The certificate shall be completed by the builder or registered design professional. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and/or floor) and ducts outside conditioned spaces; *U*-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating equipment.

## SECTION C402.5.3 ROOMS CONTAINING FUEL-BURNING APPLIANCES

Amend Section C402.5.3 to read as follows:

<u>C402.5.3 Rooms containing fuel-burning appliances. In Climate Zones 3 through 8, where combustion</u> <u>air is supplied through openings in an exterior wall to a room or space containing a space-conditioning</u> <u>fuel-burning appliance, one of the following shall apply:</u> **<u>1</u>**. The room or space containing the appliance shall be located outside of the building thermal envelope.

2. The room or space containing the appliance shall be enclosed and isolated from conditioned spaces inside of the building thermal envelope. Such rooms shall comply with all of the following:

2.1. The walls, floors and ceilings that separate the enclosed room or space from conditioned spaces shall be insulated to be not less than equivalent to the insulation requirement of below-grade walls as specified in Table C402.1.3 or C402.1.4.

**2.2.** The walls, floors and ceilings that separate the enclosed room or space from conditioned spaces shall be sealed in accordance with Section C402.5.1.1.

2.3. The doors into the enclosed room or space shall be fully gasketed.

2.4. Water lines and ducts in the enclosed room or space shall be insulated in accordance with Section 403.

2.5. Where an air duct supplying combustion air to the enclosed room or space passes through conditioned space, the duct shall be insulated to an R-value not less than R-8.

Exception: Fireplaces and stoves complying with Section 911, 912, 913 of the Uniform Mechanical Code, and Section 2111.14 of the International Building Code.

# SECTION 402.5.9 AIR CURTAINS

Amend Section 402.5 by adding 402.5.9 to read as follows:

C402.5.9 Air curtains. Where doorway, passageway or pass-thru openings in the building thermal envelope area intended to be normally opened to the exterior environment, an approved air curtain tested in accordance with ANSI/AMCA 220 shall be used to separate conditioned air from the exterior.

Section 403 - Systems. Revise section 403 as follows:

403.2.2 Sealing (Mandatory).

All ducts, air handler connections at the plenum, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with the currently adopted mechanical code. Duct assemblies shall be verified for tightness by either of the following methods:

The remainder of this section remains unchanged.

# SECTION 403.2.2 VENTILATION (MANDATORY)

Amend Section C403.2.2 Ventilation (Mandatory) to read as follows:

C403.2.2 Ventilation (Mandatory). Ventilation, either natural or mechanical, shall be provided in accordance with Chapter 4 of the Uniform Mechanical Code. Where mechanical ventilation is provided, the system shall provide the capability to reduce the outdoor air supply to the minimum required by Chapter 4 of the Uniform Mechanical Code.

# 403.4 Circulating Hot Water Systems (Mandatory). Delete section 403.4 Circulating Hot Water Systems (Mandatory) in its entirety and replace as follows:

403.4 Hot Water Systems.

All service hot water heating systems and domestic water systems shall meet the requirements of 403.4.1 or 403.4.2.

403.4.1 Non-Circulating Hot Water Systems. All service hot water piping installed in unconditioned spaces, including under-slab piping, shall be insulated to R-2.

403.4.2 Circulating Hot Water Systems.

All circulating service hot water piping, including under-slab piping, shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use. Exception:

Under-slab radiant heat for exterior ice and snowmelt shall be designed by a design professional to ensure the most efficient use of the system.

403.5 Mechanical Ventilation (Mandatory).

Revise section 403.5 Mechanical Ventilation (Mandatory) as follows:

Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating. Exception:

Where clothes dryer exhaust vents terminate at the roof, back-draft dampers are not required.

# SECTION C403.6.1 VARIABLE AIR VOLUME AND MULTIPLE-ZONE SYSTEMS

Amend Section C403.6.1 to read as follows:

C403.6.1 Variable air volume and multiple-zone systems. Supply air systems serving multiple zones shall be variable air volume (VAV) systems that have zone controls configured to reduce the volume of air that is reheated, re-cooled or mixed in each zone to one of the following:

- 1. <u>Twenty percent of the zone design peak supply for systems with DDC and 30 percent for other systems.</u>
- 2. Systems with DDC where all of the following apply:
- 3. <u>The outdoor airflow rate required to meet the minimum ventilation energy source</u> requirements of Chapter 4 of the Uniform Mechanical Code.
- 4. Any higher rate that can be demonstrated to reduce overall system annual energy use by offsetting reheat/re-cool energy losses through reduction in outdoor air intake for the system as approved by the code official.
- 5. <u>The airflow rate required to comply with applicable codes or accreditation standards</u> <u>such as pressure relationships or minimum air change rates.</u>

Exception: The following individual zones or entire air distribution systems are exempted are

from the requirement for VAV control:

- 1. Zones or supply air systems where not less than 75 percent of the energy for reheating or for providing warm air in mixing systems is provided from a site-recovered, including condenser heat, or site-solar
- 2. Systems that prevent reheating, re-cooling, mixing or simultaneous supply of air that has been previously cooled, either mechanically or through the use of economizer systems, and air that has been previously mechanically heated.

# SECTION C403.6.6 MULTIPLE-ZONE VAV SYSTEM VENTILATION OPTIMIZATION CONTROL

# Amend Section C403.6.6 to read as follows:

C403.6.6 Multiple-zone VAV system ventilation optimization control. Multiple-zone VAV systems with direct digital control of individual zone boxes reporting to a central control panel shall have automatic controls configured to reduce outdoor air intake flow below design rates in response to changes in system ventilation efficiency ( $E_v$ ) as defined by the Uniform Mechanical Code.

# Exception:

- 1. <u>VAV systems with zonal transfer fans that recirculate air from other zones without</u> <u>directly mixing it with outdoor air, dual-duct dual-fan VAV systems, and VAV systems</u> <u>with fan-powered terminal units.</u>
- 2. <u>Systems where total design exhaust airflow is more than 70 percent of the total design</u> outdoor air intake flow requirements.

# SECTION 403.7.1 DEMAND CONTROL VENTILATION (MANDATORY)

# Amend Section C403.7.1 to read as follows:

C403.7.1 Demand control ventilation (Mandatory). Demand control ventilation (DCV) shall be provided for spaces larger than 500 square feet (46.5m²) and with an average occupant load of 25 people or greater per 1,000 square feet (93m²) of floor area, as established in Table 402.1 of the Uniform Mechanical Code, and served by systems with one or more of the following:

- 1. An air-sided economizer.
- 2. <u>Automatic modulating control of the outdoor air damper.</u>
- 3. <u>A design outdoor airflow greater than 3,000 cfm (1416 L/s).</u>

# **Exceptions:**

- 1. Systems with energy recovery complying with Section C403.7.4.
- 2. <u>Multiple-zone systems without direct digital control of individual zones</u> <u>communicating with a central control panel.</u>
- 3. Systems with a design outdoor airflow less than 1,200 cfm (566 L/s).
- 4. <u>Spaces where the supply airflow rate minus any makeup or outgoing transfer air</u> requirements is less than 1,200 cfm (566 L/s).
- 5. Ventilation provided only for process loads.

## SECTION C403.7.2 ENCLOSED PARKING GARAGE VENTILATION CONTROLS (MANDATORY)

## Amend Section C403.7.2 to read as follows:

C403.7.2 Enclosed parking garage ventilation controls (Mandatory). Enclosed parking garages used for sorting or handling automobiles operating under their own power shall employ contaminationsensing devices and automatic controls configured to stage fans or modulate fan average airflow rates to 50 percent or less of design capacity, or intermittently operate fans less than 20 percent of the occupied time or as required to maintain acceptable contaminant levels in accordance with the applicable *Uniform Mechanical Code* provisions. Failure of contamination-sensing devices shall cause the exhaust fans to operate continuously at design airflow.

## Exceptions:

- 1. Garages with a total exhaust capacity less than 22,500 cfm (10 620 L/s) with ventilation systems that do not utilize heating or mechanical cooling.
- 2. <u>Garages that have a garage area to ventilation system motor nameplate power ratio</u> that exceeds 1125 cfm/hp (710 L/kW) and do not utilize heating or mechanical cooling.

## SECTION C403.7.4 ENERGY RECOVERY VENTILATION SYSTEMS (MANDATORY)

## Amend Section C403.7.4 to read as follows

C403.7.4 Energy recovery ventilation systems (Mandatory). Where the supply airflow rate of a fan system exceeds the values specified in Tables C403.7.4(1) and C403.7.4(2), the system shall include an energy recovery system. The energy recovery system shall be configured to provide a change in the enthalpy of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and return air enthalpies, at design conditions. Where an air economizer is required, the energy recovery system shall include a bypass or controls that permit operation of the economizer as required by Section C403.5.

Exception: An energy recovery ventilation system shall not be required in any of the following conditions:

- 1. Where energy recovery systems are prohibited by the Uniform Mechanical Code.
- 2. Laboratory fume hood systems that include not fewer than one of the following features:
- 2.1. Variable-air-volume hood exhaust and room supply systems configured to reduce exhaust and makeup air volume to 50 percent or less of design value.
  - 2.2. Direct makeup (auxiliary) air supply equal to or greater than 75 percent of the exhaust rate, heated not warmer than 2°F (1.1°C) below room setpoint, with no humidification added, and no simultaneous heating and cooling used for dehumidification control.
- 3. Systems serving spaces that are heated to less than 60°F (15.5 °C) and that are not cooled.
- 4. <u>Where more than 60 percent of the outdoor heating energy is provided from site-recovered or site-solar energy.</u>
- 5. Heating energy recovery in Climate Zones 1 and 2.
- 6. Cooling energy recovery in Climate Zones 3C, 4C, 5B, 5C, 6B, 7, and 8.
- 7. <u>Systems requiring dehumidification that employ energy recovery in series with the cooling coil.</u>

- 8. <u>Where the largest source of air exhausted at a single location at the building exterior is</u> less than 75 percent of the design outdoor air flow rate.
- 9. <u>Systems expected to operate less than 20 hours per week at an outdoor percentage</u> covered by Table C403.7.4(1).
- 10. Systems exhausting toxic, flammable, paint or corrosive fumes or ducts.
- 11. Commercial kitchen hoods used for collecting and removing grease vapors and smoke.

# SECTION C403.7.7 SHUTOFF DAMPERS (MANDATORY)

Amend Section C403.7.7 to read as follows:

C403.7.7 Shutoff dampers (Mandatory). Outdoor air intake and exhaust openings and stairway and shafts vents shall be provided with Class I motorized dampers. The dampers shall have an air leakage rate not greater than 4 cfm/ft² (20.3 L/s * m²) of damper surface area at 1.0inch water gauge (249 Pa) and shall be labeled by an approved agency when tested in accordance with AMCA 500D for such purpose.

Outdoor air intake and exhaust dampers shall be installed in automatic controls configured to close when the systems or spaces served are not in use or during unoccupied period warm-up and setback operation, unless the systems served require outdoor or exhaust air in accordance with the Uniform Mechanical Code, or the dampers are opened to provide intentional economizer cooling.

Stairway and shaft vent dampers shall be installed with automatic controls configured to open upon the activation of any fire alarm initiating device of the building's fire alarm system or the interruption of power to the damper.

Exception: Nonmotorized gravity dampers shall be an alternative to motorized dampers for exhaust and relief openings as follows:

- 1. In buildings less than three stories in height above grade plane.
- 2. In buildings of nay height located in Climate Zones 1,2or 3.
- 3. Where the design exhaust capacity is not greater than 300 cfm (142 L/s).

Nonmotorized gravity dampers shall have an air leakage rate not greater than 20 cfm/ft² (101 L/s*m²) where not less than 24 inches (610 mm) in either dimension and 40 cfm/ft² (203.2 L/s*m²) where less than 24 inches (610 mm) in either dimension. The rate of air leakage shall be determined at 1.0-inch water gauge (249 Pa) when tested in accordance with AMCA 500D for such purpose. The dampers shall be labeled by an approved agency.

# SECTION C403.11.1 DUCT AND PLENUM INSULATION AND SEALING (MANDATORY)

# Amend Section C403.11.1 to read as follows:

C403.11.1 Duct and plenum insulation and sealing (Mandatory). Supply and return air ducts and plenums shall be insulated with not less than R-6 insulation where located in unconditioned spaces and where located outside of the building with not less than R-8 insulation in Climate Zones 1 through 4 and not less than R-12 insulation in Climate Zones 5 through 8. Where located within a

building envelope assembly, the duct or plenum shall be separated from the building exterior or unconditioned or exempt spaces by not less than R-8 insulation in Climate Zones 1 through 4 and not less than R-12 insulation in Climate Zones 5 through 8

**Exceptions:** 

- 1. Where located within equipment.
- 2. Where the design temperature difference between the interior and exterior of the duct or plenum is not greater than 15°F (8°C).

Ducts, air handlers and filter boxes shall be sealed. Joints and seams shall comply with Section 603.10, 603.11 of the Uniform Mechanical Code.

Amend Section C403.11.2.1 to read as follows:

C403.11.2.1 Low-pressure duct systems (Mandatory). Longitudinal and transverse joints, seams and connections of supply and return ducts operating at a static pressure less than or equal to 2 inches water gauge (w.g.) (498 Pa) shall be securely fastened and sealed with welds, gaskets, mastics, (adhesives), mastic-plus-embedded-fabric systems or tapes installed in accordance with the manufacturer's instructions. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the *Uniform Mechanical Code*.

Exception: Locking-type longitudinal joints and seams, other than the snap-lock and buttonlock types, need not be sealed as specified in this section.

## SECTION C403.11.2.2 MEDIUM-PRESSURE DUCT SYSTEMS (MANDATORY)

Amend Section C403.11.2.2 to read as follows:

C403.11.2.2 Medium-pressure duct systems (Mandatory). Ducts and plenums designed to operate at a static pressure greater than 2 inches water gauge (w.g.) (498 Pa) but less than 3 inches w.g. (747 Pa) shall be insulated and sealed in accordance with Section C403.11.1. Pressure classifications specific to the duct system shall be clearly indicated on the construction documents in accordance with the Uniform Mechanical Code.

# SECTION C406.6 DEDICATED OUTDOOR AIR SYSTEMS

Amend Section C406.6 to read as follows:

C406.6 Dedicated outdoor air system. Buildings containing equipment or systems regulated by Section C403.3.4, C403.4.3, C403.4.4, C403.4.5, C403.6, C403.8.4, C403.8.5, C403.8.5.1, C403.9.1, C403.9.2, C403.9.3, C403.9.4 shall be equipped with an independent ventilation system designed to provide not less than the minimum 100-percent outdoor air to each individual occupied space, as specified by the Uniform Mechanical Code.

Chapter 5 - Commercial Energy Efficiency

# SECTION C501.4 COMPLIANCE

Amend Section C501.4 to read as follows:

C501.4 Compliance. Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in this code and in the International Building Code, International Existing Building Code, International Fire Code, Uniform Mechanical Code, Uniform Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code and NFPA 70.

Section 502 - Building Envelope Requirements.

Section 502.4.5 Outdoor Air Intakes And Exhaust Openings. Revise section 502.4.5, to add new exceptions 2 through 6, as follows:

502.4.5 Outdoor Air Intakes And Exhaust Openings.

Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot (6.8 L/s . Cm²) at 1.0 inch water gauge (w.g.) (250 Pa) when tested in accordance with AMCA 500D. Exceptions:

**1.** Gravity (non-motorized) dampers are permitted to be used in buildings less than three stories in height above grade.

2. Supply and exhaust ducts or shafts integral to the smoke management system as required by sec. 909 of the international building code.

3. Type I and type II fume hoods in commercial kitchens and the make-up air units that are required for the operation of these fume hoods.

4. All vents used for conveying products of combustion.

5. Clothes dryer vents that terminate vertically through a roof.

6. Explosion venting.

Section 505 Electrical Power And Lighting Systems (Mandatory). Revise the title of section 505 as follows:

Section 505 Electrical Power And Lighting Systems.

505.2.1 Interior Lighting Controls.

Revise section 505.2.1 Interior Lighting Controls, by adding a new exception #3, as follows: 505.2.1 Interior Lighting Controls.

**Exceptions:** 

3. Normally unoccupied areas, such as restrooms, janitor closets, storage closets and similar spaces, controlled by local occupancy sensors.
 505.6 Exterior Lighting (Mandatory).
 Revise section 505.6 Exterior Lighting, by adding a new exception #2, as follows:

When the power for the exterior lighting is supplied through the energy service to the building, all exterior lighting, other than low voltage landscaping lighting, shall comply with sections 505.6.1 and 505.6.2.

**Exceptions:** 

1. Where approved because of historical, safety, signage or emergency considerations.

2. Where specific lighting levels are required by state or local governmental criteria, the state or local code shall prevail. Areas affected by this exemption include, but are not limited to, ATM's and parking garage emergency lighting. (Ord. 728, 2-8-2011)

**Chapter 6 Referencing Standards** 

Amend Chapter 6 by adding the following to read as follows:

AMCA

205-12: Energy Efficiency Classification for Fans C403.8.3

220-08 (R2012): Laboratory Methods for Testing Air Curtain Units for Aerodynamic Performance Rating C402.5.7

500D-12: Laboratory Methods for Testing Dampers for Rating C403.7.7

IAPMO

<u>UMC-18: Uniform Mechanical Code C201.3, C403.2.2, C403.6, C406.6.6, C403.7.1, C403.7.2,</u> <u>C403.7.4, C403.7.5, C403.7.7, C403.11.1, C403.11.2.1, C403.11.2.2, C406.6, C501.4</u>

UPC-18: Uniform Plumbing Code C201.3, C501.4

ICC

IBC-18: International Building Code C201.3, C303.1.1, C303.2, C402.5.3, C402.5.4, C501.4,

IFC-18: International Fire Code C201.3, C501.4

RESIDENTIAL PROVISIONS Section R102.1.1 Above code programs Amend R102.1.1 to read as follows: R102.1.1 Above code programs. The code official or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code. Programs seeking approval must submit all requested supporting documentation, including program guidelines, protocols, calculations and program simulation performance software, if applicable, to the NNICC and/or jurisdictions for review for use as acceptable software. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this code. The requirements identified as "mandatory" in Chapter 4 shall be met.

Section R401.3 Certificate (Mandatory) Amend Section R401.3 to read as follows:

R401.3 Certificate (Mandatory) The builder shall provide a final certificate to the owner. The certificate shall indicate the predominant R-values of insulation installed in or on ceilings, roofs, walls, foundation components such as slabs, *basement walls*, crawl space walls and floors and ducts outside *conditioned spaces*; U-factors of fenestration and the results from any required duct system and *building* envelope air leakage testing performed on the *building*. Where there is more than one value for each component, the certificate shall indicate the value covering the largest area. The certificate shall indicate the types and efficiencies of heating, cooling and service water heating

Section R403.3.4 Duct leakage (prescriptive)

Amend section R403.3.2 to read as follows:

R403.3.4 Duct Leakage (prescriptive). The total leakage of the ducts, where measured in accordance with Section R403.3.4, shall be as follows:

1. Rough-in test: The total leakage shall be less than or equal to 4 cubic feet per minute (113.3 L/min) per 100 square feet (9.29 m2) of conditional floor area where the air handler is installed at the time of the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cubic feet per minute (85 L/min) per 100 square feet (9.29 m2) of conditioned floor area.

2. Postconstruction test: Total leakage shall be less than or equal L/min) 5 cubic feet per minute (cfm) (141.6 L/min) or total leakage to outside shall be less than or equal to 3.5 cfm (99.1 L/min) 100 square feet (9.29 m2) of conditioned floor area.

# SECTION R403.6 MECHANICAL VENTILATION (MANDATORY)

Amend Section R403.6 to read as follows:

R403.6 Mechanical ventilation (Mandatory). The building shall be provided with ventilation that complies with the requirements of the *International Residential Code* or *International Mechanical Code*, as applicable, or with other *approved* means of ventilation. The mechanical system shall have a readily accessible on-off control switch allowing control of the mechanical system. Utilization of outside air temperature sensors, carbon dioxide sensors, humidity sensors or similar intermittent controls to activate the outside air mechanical equipment is permitted. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

# Chapter 8

RESERVED 2-8 1-Existing Building Code

# <u>Title: Pursuant to Nevada Revised Statutes 278.570, et seq., this chapter shall be known as the</u> INTERNATIONAL EXISTING BUILDING CODE.

A. Title: This chapter shall be known as the INTERNATIONAL EXISTING BUIDING CODE OF THE CITY OF ELKO, hereinafter "code", including the adoption of the 2018 international existing building code.
 B. Applicability: Existing building code is for the repair and alternative approaches for alterations and additions to existing buildings. It is necessary to regulate construction in existing buildings that undergo additions, alterations, extensive repairs or change of occupancy.

2-8-2 Existing Building Code Amendments

All building construction work and the inspections thereof must be in conformity with the provision of this code and with the latest edition of the international building code, which is hereby adopted by the city, with the following specific deletions and additions: and 902.1.2.

Section 1209.4 Baby Changing Tables Amend Section 1209 by adding Section 1209.4 as follows:

1209.4 Baby Changing Tables. Diaper changing tables are required to be installed in both male, female and other restrooms, in permanent buildings that contain public restrooms as defined in chapter 29 of the 2018 IBC. Changing tables are required when any of the following occur: new buildings, tenant improvements, new restrooms, alteration of existing restrooms, new additions, change of uses that require updating existing restrooms with additions to those facilities. Shall meet the guidelines of 603.5, 309 and 902 of ANSI/ICC A117.1-2017.

Exceptions: A building or facility that does not have public restrooms or has been issued a permit or license which restricts the admission of children on the basis of age, shall be exempt from this requirement

Section 902.1 High-rise buildings

# Amend Section 902.1 to read as follows:

902.1 High-rise buildings. Any building having occupied floors more than 55 feet (16,764 mm) above the lowest level of fire department vehicle access shall comply with the requirements of Sections 902.1.1

# Chapter 13

#### RESERVED

SIDEWALKS, CURBS, GUTTERS 2-13-1: PERMIT REQUIRED: 2-13-2: PLANS TO BE APPROVED: 2-13-3: SIDEWALK, CURB AND GUTTER CONSTRUCTION: 2-13-4: SIDEWALK MAINTENANCE, RECONSTRUCTION AND REPAIR: 2-13-5: PENALTIES:

## 2-13-1: PERMIT REQUIRED:

It shall be unlawful for any person to hereafter install, construct, or lay, or cause to be installed, constructed or laid, any sidewalk or sidewalks, curb or gutter within the street lines of the city without first obtaining a permit authorizing the same from the city council, to be issued by its authorized agent; and it shall also be unlawful for any person to construct, install or lay any sidewalk, curb or gutter for any other person until such person shall have first obtained a permit permitting the same from the city council, as provided in this chapter. (Ord. 787, 8-26-2014)

#### 2-13-2: PLANS TO BE APPROVED:

Any sidewalk, curb or gutter hereafter constructed within the street lines of the city by any person shall be constructed in strict compliance with specifications and plans and upon grades and lines to be approved by the city council or its duly authorized engineer. (Ord. 787, 8-26-2014)

#### 2-13-3: SIDEWALK, CURB AND GUTTER CONSTRUCTION:

- A. Required; Exception: Except as otherwise provided in this section, sidewalks, curbs and gutters shall be required on all vacant lots or parcels of land which are hereafter developed; or upon lots or parcels of land which are merged or divided; or developed lots or parcels of land involving a change in building occupancy and use of land; or upon which any building expansion or new construction shall take place involving the addition of gross floor area greater than four hundred (400) square feet; or when a change of use results in a measurable increase in pedestrian or vehicular traffic; provided, however, that upon the request of the city development department or application by a property owner, tenant, lessee or a contractor duly authorized to represent said property owner and for cause shown, the city council may waive all or part of, the requirement for the installation of the above described improvements.
- B. Request To Waive Requirements By Development Department: Any request by the city development department to waive all or part of the requirement to install curb, gutter and sidewalk shall be based on the following criteria: 1) the presence or proposed installation of other substantially equivalent or superior improvements in the vicinity of the lot or parcel of land, 2) conditions on the lot or parcel of land affecting the practicability of installing the curb, gutter and sidewalk and 3) any other factors deemed by the city development department to be appropriate grounds for waiving any or all of the foregoing requirements relative to the installation of curb, gutter and sidewalk.
- C. Request To Waive Requirements By Property Owner: Any application to waive all or part of the requirement to install curb, gutter and sidewalk by a property owner, tenant, lessee or contractor

duly authorized to represent said property owner: 1) shall be based on evidence that it is impractical to install curb, gutter and sidewalk because of circumstances beyond the reasonable control of the applicant and 2) shall include a filing fee paid to the city in an amount established by resolution of the city council. (Ord. 787, 8-26-2014)

#### 2-13-4: SIDEWALK MAINTENANCE, RECONSTRUCTION AND REPAIR:

- A. Responsibility Of Property Owners: It is the responsibility of all property owners in the city to maintain a sidewalk in a public right of way that abuts the owner's property within the street lines of the city. The responsibility imposed is that of a reasonable person and is not a duty greater than imposed by common law duty. Furthermore, this section is not intended and cannot be relied upon to define the standard of care in any civil action for negligence or for the establishment of negligence per se for its violation.
- B. Standards: Except as otherwise provided in this code, all sections of the city sidewalks shall be of concrete cement with a minimum of four inches (4") depth and a minimum of four feet (4') in width. Wherever any sidewalk has been constructed under the authority of any former ordinance in any manner other than in accordance with the existing lines and grades, sidewalks for the remaining properties in the same block shall be so constructed that uniformity of line and grade may be maintained.

**C. Reconstruction And Repair:** 

- 1. The city may require the reconstruction and repair of sidewalks in the following circumstances:
- a. Imposing an assessment or other charge authorized by law for any reconstruction or repair of a sidewalk that the governing body causes to be performed within a public right of way;
- b. Requiring any reconstruction or repair of a sidewalk as a condition of approval for a change in the use of the land;
- c. The repair and reconstruction of a sidewalk in the public right of way that abuts the property of the owner if the owner caused the need for such repair or reconstruction.
- 2. Any sidewalk ordered repaired or reconstructed by the city council shall be repaired or reconstructed by the owners of the property which abut upon the sidewalk. The property owner shall complete said reconstruction and repair, within a time period not to exceed ninety (90) days during the city construction season.
  - D. Failure: Failure of the owner to complete the sidewalk improvements as required within the time limits designated shall be considered an infraction of this code and, upon conviction of such infraction, the municipal court may impose any injunctive relief or fine of a civil nature as may be allowed by this code or laws of the state. (Ord. 787, 8-26-2014)

#### 2-13-5: PENALTIES:

Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided in <u>title 1, chapter 3</u> of this code. Each day's violation of the provisions of this chapter may be deemed a separate offense. (Ord. 787, 8-26-2014)

**Section 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

**Section 3:** If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

**Section 4:** Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

**Section 5:** This Ordinance shall be effective upon the publication mentioned in Section 4.

PASSED AND ADOPTED this Council.	day of	, 2019 by the following vote of the Elko City
AYES:		
NAYS:		
ABSENT:		
ABSTAIN:		
APPROVED this	day of	, 2019.
		CITY OF ELKO
		DV.

**REECE KEENER**, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

# Elko City Council Agenda Action Sheet

- 1. Title: First reading of Ordinance No. 840, an ordinance amending Title 6, Chapter 1, of the Elko City Code entitled "Fire Code", and direct Staff to set the matter for public hearing, second reading, and possible adoption, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: **ORDINANCE**
- 4. Time Required: 10 Minutes
- 5. Background Information: On February 26, 2019, Council approved the initiation on Ordinance No. 840 and directed Staff to complete a Business Impact Statement. On May 14, 2019, Council found that Ordinance No. 840 does not impose a direct and significant economic burden on a business or directly restrict the formation, operation or expansion of a business. KW
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: **Completed**
- 8. Supplemental Agenda Information: Copy of Ordinance No. 840
- 9. Recommended Motion: Conduct First Reading Ordinance No. 840, and direct Staff to set the matter for Second Reading, Public Hearing and possible adoption.
- 10. Prepared By: Kelly Wooldridge, City Clerk
- 11. Committee/Other Agency Review: N/A
- 12. Council Action:
- 13. Council Agenda Distribution:

## CITY OF ELKO ORDINANCE840

AN ORDINANCE AMENDING TITLE 6 OF THE ELKO CITY CODE ENTITNTLED "FIRE CODE" AND MATTERS RELATED THERETO.

WHEREAS, the City has reviewed and has determined that it is necessary to adopt the 2018 International Fire Code and to incorporate the same into the Elko City Code, subject to certain amendments;

WHEREAS, the 2018 International Fire Code contains regulations governing conditions hazardous to life and property from fire or explosion.

WHEREAS, the City has reviewed and has determined that it is necessary to make additional amendments to Chapter 1 of Title 6, including certain additions to the requirements set forth in the 2018 International Fire Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THECITY OF ELKO, NEVADA.

For amendment purposes, words which are in <u>blue bold and underlined</u> are additions to the Ordinance, and words which are red lined through and bold are deleted from the Ordinance.

**SECTION 1:** Title 4, Chapter 6, <u>Section 1 shall be entitled "Adoption of International Fire Code of the</u> <u>City of Elko" and is hereby amended as follows:</u>

## Chapter 1 FIRE CODE

6-1-1: ADOPTION OF INTERNATIONAL FIRE CODE: 6-1-2: ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION: 6-1-3: DEFINITIONS: 6-1-4: ROUTES FOR TRANSPORTING EXPLOSIVES, BLASTING AGENTS, HAZARDOUS CHEMICALS AND OTHER DANGEROUS ARTICLES (REP. BY ORD. 390, 7-11-1989): 6-1-5: FIRE LANES ON PRIVATE PROPERTY: 6-1-6: APPEALS: 6-1-6: APPEALS: 6-1-7: NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS: 6-1-8: PENALTIES: 6-1-9: COPIES OF CODE AVAILABLE: 6-1-10: TANK STORAGE AND BULK STORAGE COMPLIANCE: 6-1-11: INTERNATIONAL FIRE CODE AMENDMENTS

#### 6-1-1: ADOPTION OF INTERNATIONAL FIRE CODE:

- A. Title: This chapter will be known as the ADOPTION OF INTERNATIONAL FIRE CODE OF THE CITY OF ELKO, hereinafter "Code", including the adoption of the 201218 International Fire Code with appendices A, B, C, D, E, F, G, H, I, J, K, L and M. Certain sections of the International Fire Code and appendices may be added or deleted by resolution.
- B. Applicability: All construction of, or the enlarging, altering, repairing, moving, demolishing, or changing the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any component, element, or portion of a building or structure within the City must be in compliance with, in addition to, the other applicable codes or amendments set forth by the City Council, the currently adopted edition of the International Fire Code.
- C. International Fire Code Amendments: There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the International Fire Code (IFC), recommended by the International Code Council, being particularly the edition noted in subsection A of this section, thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, such to become effective thirty (30) days after public notice of the filing in the City Clerk's Office hereinafter specified is given by one (1) publication in a newspaper in the City. One (1) copy of the latest edition being adopted shall be approved by the City Council and placed on file in the Office of the City Clerk. From the date on which such filed edition of said Code shall take effect, the provisions thereof shall be controlling within the limits of the City. The said Code is hereby adopted as the rules and regulations for governing conditions hazardous to life from fire or explosion. In the event that any of the provisions of the latest edition of the IFC conflict with any provisions of this chapter, the provisions of this chapter shall govern and be controlling. All supplements to the IFC, issued by the International Code Council between editions and approved by the City Council and filed in triplicate in the Office of the City Clerk shall become part of this IFC effective thirty (30) days after public notice of such filing is given by one (1) publication in a newspaper in the City. Certain sections of the International Fire Code and appendices may be added or deleted by resolution. (Ord. 817, 4-25-2017)

#### 6-1-2: ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION:

- A. The IFC shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.
- B. The Chief in charge of the Bureau of Fire Prevention shall be appointed by the City Council on the basis of examination to determine his qualifications.

C. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be

open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause. (Ord. 646, 9-13-2005)

### 6-1-3: DEFINITIONS:

Whenever used in the international fire code:

CORPORATION COUNCIL: The attorney for the City of Elko.

FIRE CODE OFFICIAL: The Fire Chief or other designated authority charged with the administration and enforcement of the international fire code, or a duly authorized representative.

JURISDICTION: The City of Elko. (Ord. 733, 5-10-2011)

#### 6-1-4: ROUTES FOR TRANSPORTING EXPLOSIVES, BLASTING AGENTS, HAZARDOUS CHEMICALS AND

### OTHER DANGEROUS ARTICLES:

(Rep. by Ord. 390, 7-11-1989)

#### 6-1-5: FIRE LANES ON PRIVATE PROPERTY:

The following are hereby designated fire lanes:

A. At the Elko shopping plaza, Highway 40 E., a <u>fifteen-</u>foot (15') lane adjoining all storefront sidewalks and all routes or lanes used for access to the stores and parking areas

- B. At the Northeastern Nevada Regional Hospital, all routes or lanes used for access to the hospital and parking areas. Any road or passageway developed to allow the passage of fire apparatus.
- C. Section 503.4 of the international fire code prohibits obstruction of fire apparatus access roads, including, but not limited to, the parking of vehicles.
- D. Fire lane, fire lane parking, fire apparatus access roads, fire protection appliances, fire hydrants, and other fire protection equipment or appliances on any private property, shall be identified, marked and for the life of the facility be maintained with signage, red paint street markings and other clearly identified means by the property owner in compliance with <u>chapter 5</u> and appendix D of the currently adopted international fire code.
- E. Enforcement of these regulations shall fall to the city of Elko fire code official and shall include the authority of the police department to cooperate and issue citations and cause the removal of any blockage of fire lanes, appliances, fire access roadways or designated areas.

#### 6-1-7: APPEALS:

Whenever the fire code official disapproves an application or refuses to grant a permit applied for, or

when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire code official to the city council within thirty (30) days from the date of the decision appealed.

### 6-1-7: NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS:

The City Manager, the Fire Chief and the Chief of the bureau of fire prevention shall act as the committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the bureau of fire prevention shall post such lists in a conspicuous place in his office and distribute copies thereof to interested persons.

#### 6-1-8: PENALTIES:

- A. Violation Penalties: Persons who shall violate any provision of this title, 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 certificated use under provisions of this title, shall be guilty of a misdemeanor, punishable of a fine not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one hundred eighty (180) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- B. Recovery <u>of</u> Costs: The city may recover all actual response costs, isolation costs or mitigation costs associated with all provisions of this title when deemed in the public best interest, to recover extraordinary expenses, or costs associated with the civil or criminal order of the court for any municipal, district or juvenile court within our district.
- C. Abatement <u>of</u> Violations: In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

## 6-1-9: COPIES OF CODE AVAILABLE:

One copy of the IFC, with all amendments and supplements thereto after adopted, shall be kept on file in the office of the city clerk for use and examination by the public in the office of the city clerk.

## 6-1-10: TANK STORAGE AND BULK STORAGE COMPLIANCE:

It shall be unlawful for any lessee, owner, individual, partnership, corporation, firm, business, or other entities of any type or nature to own, suffer, permit or allow any tank or bulk storage aboveground outside or inside a building; or underground outside or under a building; or to abandon any tank without complying with the currently adopted international fire code and any other referenced codes.

#### 6-6-11 INTERNATIONAL FIRE CODE AMENDMENTS

6-1-2 International Fire Code Amendments

Section 102.7 Referenced codes and standards:

Section 102.7 is amended to read:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those the most current that are listed in Chapter 80, and such codes and standards shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.7.1 and 102.7.2.

Section 105.6.51 Fire Fighter Air Replenishment Systems:

Section 105.6.51 is added to Section 105.6 Required operational permits, to read:

Section 105.6.51 Fire Fighter Air Replenishment Systems. An operational permit is required to maintain a Fire Fighter Air Replenishment System.

Section 105.6.52 Emergency responder radio coverage system

Section 105.6.51 is added to Section 105.6 Required operational permits, to read as follows:

Section 105.6.52 Emergency responder radio coverage system. An operational permit is required for the operation and maintenance of an emergency radio coverage system and related equipment, as specified in Section 510.

Section 105.7.26 Fire fighter air replenishment systems:

Section 105.7.26 is added to Section 105.7 Required construction permits, to read:

Section 105.7.26 Fire Fighter Air Replenishment Systems. A construction permit is required for installations of or modification to a Fire Fighter Air Replenishment System. The construction permit application shall include documentation of an acceptance and testing plan as specified in Section L103.2.

Section 202 General Definitions:

The following definitions are amended or added in Section 202 General definitions to read:

[BG] HIGH-RISE BUILDING. A building with an occupied floor located more than 75 55 feet (22806) 16764 mm) above the lowest level of fire department vehicle access.

OCCUPANCY CLASSIFICATION [BG] Institutional Group I-1. Institutional Group I-1 occupancy shall include buildings, structures, or portions thereof for more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised environment and receive custodial care. All portions of a care facility which houses patients or residents which is classified by the State Board of Health as "Category 2," and which has an occupant load of more than 10 residents, is classified as a "I-1" occupancy classification. Buildings of Group I-1 shall be classified as one of the occupancy conditions listed below. This group shall include, but not be limited to, the following: **Alcohol and Drug Centers** 

Assisted living facilities

**Congregate care facilities** 

Group homes

Halfway houses

**Residential board and care facilities** 

**Residential board and custodial care facilities** 

Social rehabilitation facilities

[BG] Condition 1. This occupancy condition shall include buildings in which all persons receiving custodial care who, without any assistance, are capable of responding to an emergency to complete building evacuation.

[BG] Condition 2. This occupancy shall include buildings in which there are any persons requiring custodial care who require limited verbal or physical assistance while responding to an emergency situation to complete building evacuation.

[BG] Six to 16 persons receiving custodial care. A facility housing not fewer than six and not more than 16 persons receiving custodial care shall be classified as group R-4.

[BG] Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the *International Residential Code* provided an *automatic sprinkler system* is installed in accordance with Section 903.3.1.3 or Section P2904 of the *International Residential Code*.

Occupational Classification [BG] Group I-4, day care facilities. Institutional Group I-4 shall include buildings and structures occupied by more than five six persons of any age who receive custodial care for less than 24 hours by persons other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care.

[BG] Classification as Group E. A child day care facility that provides care for more than five six but no more than 100 children 21/2 years or less of age, where the rooms in which the children are cared for are located on a *level of exit discharge* serving such rooms and each of these child care rooms has an *exit* door directly to the exterior, shall be classified as Group E.

[BG] Within a place of religious worship. Rooms and spaces within places of religious worship providing such care during religious functions shall be classified as part of the primary occupancy. [BG] Five Six or fewer occupants receiving care. A facility having five six or fewer persons receiving custodial care shall be classified as part of the primary occupancy.

[BG] Five Six or fewer occupants receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having five six or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

Occupancy Classification [BG] Residential Group R-1. Residential Group R-1 occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses (transient) with more than 10 occupants

**Brothels** 

Congregate living facilities (transient) with more than 10 occupants

Hotels (transient)

Motels (transient)

OCCUPANCY CLASSIFICATION [BG] Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units

Care facilities that provide accommodations for five 6 or fewer persons receiving care

Congregate living facilities (nontransient) with 16 or fewer occupants

**Boarding houses (nontransient)** 

Convents

**Dormitories** 

Fraternities and sororities

**Monasteries** 

Congregate living facilities (transient) with 10 or fewer occupants

**Boarding houses (transient)** 

Lodging houses (transient) with five or fewer guestrooms and 10 or fewer occupants.

Unwanted alarm. Any alarm that occurs that is not the result of a potentially hazardous condition.

Section 307.4.3 Portable outdoor fireplaces

Section 307.4.3, of Section 307.4 Location, is amended to read:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

### Section 308.1.6.3 Sky lanterns

Section 308.1.6.3, of Section 308.1.6 Open-flame devices, is amended to read:

<u>308.1.6.3 Sky lanterns. A person shall not release or cause to be released an untethered sky lantern.</u> <u>Sky lanterns are prohibited.</u>

Section 319.4.1 Fire protection for cooking equipment

Section 319.4.1, of Section 319.4 Fire protection, is amended to read:

<u>319.4.1 Fire protection for cooking equipment. Cooking equipment shall be protected by automatic</u> fire extinguishing systems in accordance with Section Sections 607.2 and 904.12.

Section 320 Natural Gas Meter Protection

Section 320 Natural Gas Meter Protection and Section 320.1 General are added to read as follows:

**320 Natural Gas Meter Protection** 

320.1 General. A protective cover shall be provided over natural gas meter assemblies serving buildings, or portions thereof, located at an elevation of 5,800 feet (1767.48 m) or higher. The protective cover shall be designed to be equal to or greater than the Building Design Load (as determined by the Building Department having jurisdiction). The cover shall be approved by the natural gas supplier, shall be installed over the meter assembly, and shall be securely supported to the ground or diagonally to the building wall. When supported to the ground, the footing of the supports shall extend a minimum of 6-inches (152.4 mm) below finished grade. Pre-cast concrete piers may be used in lieu of poured footings, provided they are placed on stable soil.

Section 403.12.3.2 Training

Section 403.12.3.2, of Section 403.12.3 Crowd managers, is amended to read as follows:

<u>403.12.3.2 Training. Training for crowd managers shall be in compliance with the latest International</u> <u>Code Council or National Fire Protection Associations standards or guidelines approved.</u>

Section 505.1 Address Identification

Section 505.1 is amended to read:

505.1 Address identification. New and existing buildings shall be provided with approved maintained all-weather address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetic letters. Numbers shall not be spelled out. Each character shall be not less}-than a nominal height of 6-inches with a minimum ½-inch stroke for residential occupancies and 12-inches with a 1-inch stroke in commercial occupancies, unless otherwise approved by the fire code official. Where required by fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure. Address identification shall be maintained.

#### Section 507.3 Fire flow

Section 507.3 is amended to read:

507.3 Fire flow. Fire flow requirements for buildings or portions of building and facilities shall be determined by an *approved* method.

Subject to the approval of the fire authority, if the required fire flow is not available for adequate fire protection, an automatic fire sprinkler system shall be installed throughout the building or buildings. The sprinkler system must meet the requirements of the appropriate N.F.P.A. standard. The provisions of this paragraph do not apply if a fire sprinkler system is otherwise required by this chapter or the adopted codes.

Section 507.5.5 Clear space around hydrants

Section 507.5.5 in Section 507.5 Fire hydrants is amended to read:

507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or *approved*. In addition, a minimum clear space of seven and one-half feet (2286 mm) shall be maintained to both sides directly in front of the front pumper connection. In the North Lake Tahoe Fire Protection District and Tahoe Douglas Fire Protection District, a minimum of four feet (1219 mm) shall also be maintained clear to the rear of any fire hydrant. These clearance requirements shall apply to any public or private property.

Section 508.1.6 Required features

Section 508.1.6 of Section 508.1 General is amended to read:

508.1.6 Required features. The fire command center shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication system control unit.

2. The fire department communications system.

3. Fire detection and alarm system annunciator.

4. Annunciator unit visually indicating the location of the elevators and whether they are operational.

5. Status indicators and controls for the air distribution 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 interior exit stairway doors simultaneously.

8. Sprinkler valve and water-flow detector display panels.

9. Emergency and standby power status indicators.

<u>10. A telephone for fire department used with controlled access to the public telephone</u> 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-fighter air-replenishment systems, fire-fighting equipment and fire department access, and the location of *fire walls, fire barriers, fire partitions, smoke barriers* and smoke partitions.

<u>13. An approved Building Information Card that includes, but is not limited to, all of the following information:</u>

13.1. General building information that includes: the number of floors in the building above and below grade, use, and occupancy classification (for mixed uses, identify the different types of occupancies on each floor) and the estimated building population during the day, night, and weekend;

13.2. Building emergency contact information that includes: a list of the building's emergency contacts including, but not limited to, building manager, building engineer and their respective work phone number, cell phone number and e-mail address;

<u>13.3. Building construction information that includes: type of building construction including but not limited to floors, walls, columns and roof assembly;</u>

13.4. Exit access stairway and exit stairway information that includes: number of exit access stairways and exit stairways in building; each exit access stairway and exit stairway designation and floors served; location where each exit access stairway and exit stairway discharges, interior exit stairways that are pressurized; exit stairways that are provided with emergency lighting; each exit stairway that allows reentry; exit stairways providing roof access; elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve; location of elevator machine rooms , control rooms, and control spaces; location of sky lobby; and location of freight elevator banks;

13.5. Building Services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator and locations of natural gas service.

13.6. Fire protection system information that includes: location of standpipes, location of fire pump room, location of fire department connections, floors protected by automatic sprinklers and location of different types of *automatic sprinkler systems* installed including but not limited to dry, wet, and pre-action;

**13.7.** Hazardous material information that includes: location and quantity of hazardous material;

#### 14. Work table.

15. Generator supervision devices, manual start and transfer features.

16. Public address system, where specifically required by other sections of this code.

17. Elevator fire recall switch in accordance with ASME A17.1/CSA B44.

18. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.

19. HVAC. The central control station shall be provided with heating, cooling, and ventilation (HVAC) systems that are independent of any other building system or area. HVAC for the central control station shall be connected to the emergency power system.

20. Lighting. Lighting shall provide adequate illumination and shall be on emergency service with additional battery backup emergency lighting.

21. Inside Telephone Line. A telephone connected to the premises' telephone exchange shall be provided. A current directory of all telephone numbers within the premises shall be placed next to this telephone.

22. Disconnect. The main switch for disconnecting the utility power and any alternate power sources shall be in the fire command center. Switches shall be covered to prevent utility power feeds and any alternate power sources before entering the building. After the switch is operated, no live electrical panels, conductors, or feeds within the premises shall remain energized excluding the emergency electrical circuits.

Section 510.1 Emergency responder radio coverage in new buildings

Section 510.1 is amended to read:

510.1 Emergency responder radio coverage in new buildings. An emergency responder radio coverage system shall be provided throughout buildings when any of the following apply:

<u>1. High-rise buildings. Buildings with a floor used for human occupancy located more than 55 feet above the lowest level of fire department vehicle access.</u>

2. Underground and below grade buildings. Buildings having a floor level below the finished floor of the lowest level of exit discharge of any level.

3. Other buildings. The fire code official is authorized to require a technical opinion and report, in accordance with Section 104.7.2, for buildings whose design, due to location, size, construction type, or other factors, could impede radio coverage as required by Section 510.4.1. The report shall make a recommendation regarding the need for an emergency responder radio coverage system.

Section 510.2 Emergency responder radio coverage in existing buildings

Section 510.2 is amended to read:

510.2 Emergency responder radio coverage in existing buildings. Existing other than Group R-3, which do not have approved radio coverage for emergency responders in the building based on existing coverage levels of the public safety communications systems, shall be equipped with such coverage according to one of the following conditions:

<u>1. Existing buildings that do not have approved radio coverage, as determined by the Fire</u> <u>Chief, in accordance with Section 510.4.1.</u>

2. Where an existing wired communication system cannot be repaired or is being replaced.

3. Within a time frame established by the adopting authority.

Exception: Where it is determined by the fire code official that the radio coverage is not needed.

Section 510.3 Permit required

Section 510.3 is amended to read:

510.3 Permits Required. Permits shall be required to install, modify and operate an emergency radio coverage system and related equipment, as follows:

1. A construction permit for the installation of or modifications to emergency radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

2. An operational permit is required for the operation and maintenance of an emergency radio coverage system and related equipment as specified in Section 105.6.52.

Section 704.3 Wood-burning appliance enclosures and flue shafts

Section 704.3 is added to Section 704 JOINTS AND VOIDS, and reads:

704.3 Wood-burning appliance enclosures and flue shafts. In North Lake Tahoe Fire Protection District and Tahoe Douglas Fire Protection District, the interior of any firewood-burning fireplace enclosure and flue shaft constructed of combustible framing materials shall be completely lined with taped 5/8" type "X" drywall.

Section 901.4.6.2 Marking on access door

Section 901.4.6.2 is amended to read:

901.4.6.2 Marking on access door. Access doors for automatic sprinkler system riser rooms and fire pump rooms shall be labeled with a maintained approved all-weather sign. The lettering shall be in contrasting color to the background. Letters shall have a minimum height of 2 inches (51 mm) with a minimum stroke of 3/8 inch (10 mm).

Section 901.6 Inspection, testing and maintenance

Section 901.6 is amended to read:

901.6 Inspection, testing and maintenance. Fire detection and alarm systems, emergency alarm systems, gas detection systems, fire-extinguishing systems, mechanical smoke exhaust systems and smoke and heat vents, and commercial kitchen hood ventilation systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Nonrequired *fire protection systems* and equipment shall be inspected, tested and maintained or removed. Air systems for fire-suppression breathing apparatus shall be maintained at the same frequency as other high-rise life safety systems.

Section 901.6.2.3 Fire fighter air replenishment system

Section 901.6.2.3 is added to Section 901.6.2 Integrated testing, to read:

Section 901.6.2.3 Fire fighter air replenishment system. Fire suppression breathing apparatus air system procedures, maintenance and report records shall be approved by the fire code official. Inspection records shall be kept on-site.

Section 901.11 Problematic unwanted fire alarms

Section 901.11 is added to Section 901 GENERAL, to read:

901.11 Problematic unwanted fire alarms. Problematic unwanted fire alarms are a violation of this code. When a fire alarm system is required by this code, it shall be the responsibility of the property owner or owner's authorized agent to maintain the system and properly educate occupants, tenants, and/or employees in accepted behavioral practices that will minimize or eliminate false and/or nuisance alarms. This includes nuisance activations in response to predictable environmental stimuli such as but not limited to cooking fumes, smoking, and construction activities. Where unwanted alarms become repetitive, the fire code official is authorized to charge fees or issue administrative citations to the property owner in accordance with the fee schedule or administrative code as established by the applicable governing authority.

Section 903.2 Where required

#### Section 903.2 is amended to read:

<u>903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be</u> provided in locations described in Sections 903.2.1 through 903.2, and Tables 903.2.1 and 903.2.2.

Exception: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 of the International Building Code or not less than 2-hour horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both.

Section 903.2.1.2 Group A-2

#### Section 903.2.1.2 is amended to read:

903.2.1.2 Group A-2. An *automatic sprinkler system* shall be provided for Group A-2 occupancies and throughout all stories from the Group A-2 occupancy to and including the levels of exit discharge serving that occupancy where one of the following conditions exists:

- 1. The fire area exceeds 5,000 square feet (464 m2).
- 2. The fire area has an occupant load of 100 or more.
- 3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Occupancies containing a casino, regardless of occupancy classification, must be designed and built with a sprinkler system classified as an Ordinary Hazard Group 2.

Table 903.2.1 Required Automatic Sprinklers by Fire Area, Response Time and Height for Structures Designed and Constructed with the International Building Code Including A, B, E, F, H, I, M, S and U Occupancies

Add Table 903.2.1 to Section 903.2, to read:

# TABLE 903.2.1^a

# Required Automatic Sprinklers by Fire Area, Response Time and Height

# For Buildings Designed and Constructed with the International Building Code Including A, B, E, F, H, I, M, S and U Occupancies

Sprinklers are required when any one of the listed conditions are met, or when otherwise required by this Code

Fire Authority	Fire Area ^{b,c}	Height ^d	Response Time
	<u>In square feet (sf)</u>	<u>In stories</u>	<u>In minutes (min)</u>
Elko City Fire Department	<u>&gt; 5000</u>	<u>&gt; 2</u>	-

a. This table is in addition to any other automatic sprinkler requirements in this code.

b. Fire areas may be separated according to IBC 707.3.10.

c. Any addition or remodel that increases the fire area will be included in the calculation for the total square footage.

d. Airport towers and open parking garages complying with IBC 406.5 are exempt from this table.

e. A one-time increase in the fire area is permitted provided said increase is < 50% of the structure's existing permitted fire area square footage.

f. A one-time increase of 360 square feet of fire area is permitted.

Table 903.2.2 Required Automatic Sprinklers by Fire Area, Response Time, and Height for Structures Designed and Constructed with the International Residential Code

Add Table 903.2.2 to Section 903.2, to read as follows:

# TABLE 903.2.2ª

# Required Automatic Sprinklers by Fire Area, Response Time and Height

# For Structures Designed and Constructed with the International Residential Code

Sprinklers are required when any one of the listed conditions are met,

## or when otherwise required by this Code

Fire Authority	Fire Area ^b	<u>Height</u>	<u>Response Time</u>
	In square feet (sf)	In stories	<u>In minutes (min)</u>
Elko City Fire Department	<u>&gt; 5000</u>	<u>&gt;2</u>	2

a. This table is in addition to any other automatic sprinkler requirements in this code.

b. Any addition or remodel that increases the fire area will be included in the calculation for the total square footage. The use of fire walls and fire barriers to reduce the size of fire areas is prohibited. c. A one-time increase in the fire area is permitted provided said increase is < 50% of the structure's existing permitted fire area square footage.

d. A one-time increase of 360 square feet of fire area is permitted.

e. See section 907.2.10.2.1 for alarm requirements for existing structures.

f. Accessory structures are exempt from this table.

Section 903.2.3 Group E

Section 903.2.3 is amended to read:

<u>903.2.3 Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows</u> where one of the following exists:

1. Throughout all Group E fire areas greater than 12,000 5,000 square feet (1115 464 m²) in area.

2. The Group E fire area is located on a floor other than a level of exit discharge serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area.

3.The Group E fire area has an occupant load of 300 or more.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an automatic sprinkler system is not required in any area below the lowest.

4. Daycare facilities where there is occupancy from 12:00 am- 6:00 am and care for 7 or more children.

In high schools where *automatic fire sprinkler systems* are provided, the automatic fire sprinkler systems for automatic and woodworking shops must be *designed* to Ordinary Hazard, Group 1 automatic fire sprinkler systems *criteria*, *or as required by the Authority Having Jurisdiction*.

Section 903.3.1.1 NFPA 13 sprinkler systems

Section 903.3.1.1 is amended to read:

903.3.1.1 NFPA 13 sprinkler systems. Where the provisions of this code require that a building or portion thereof be equipped throughout with an *automatic sprinkler system* in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and 903.1.1.2.

In North Lake Tahoe Fire Protection District all Group R-3 occupancies larger than ten thousand (10,000) square feet (3048 m²) in area or exceeding four (4) stories in height are required to have automatic sprinklers installed throughout in accordance with NFPA 13.

Section 903.3.1.3 NFPA 13D sprinkler systems

Section 903.3.1.3 is amended to read:

903.3.1.3 NFPA 13D sprinkler systems. Automatic sprinkler systems installed in one and two-family dwellings: Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D. NFPA 13D systems are not permitted in North Lake Tahoe Fire Protection District.

Section 903.4 Sprinkler system supervision and alarms

Section 903.4 is amended to read:

903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for *automatic sprinkler systems*, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a *listed* fire alarm control unit.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.

2. Limited area systems in accordance with Section 903.3.8.

3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the *automatic sprinkler system*, and a separate shutoff valve for the *automatic sprinkler system* is not provided.

- 4. Jockey pump control valves that are sealed or locked in open position.
- 5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position. This exception will not apply to any of the above- mentioned control valves if they are located in a building equipped with any fire alarm or protection system that is required to be monitored by a central station fire alarm company.
- 6. <u>Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.</u>
- 7. <u>Trim valves to pressure switches in dry, preaction, and deluge sprinkler systems that are</u> sealed or locked in the open position.

## Section 903.4.2 Alarms

## Section 903.4.2 is amended to read:

903.4.2 Alarms. An approved audible alarm notification appliance device, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Approved alarm notification appliances shall be provided on the exterior of the building and within each tenant space on the interior of the building and in an approved location. When residential (single family dwelling) automatic sprinkler systems are provided, water flow activation shall provide occupant notification at all occupied levels and sleeping units, with minimum audible notification level of 75 dba sound pressure at pillow height. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.4.3 Floor control valves

Amend Section 903.4.3 to read:

<u>903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings in multi-story facilities.</u>

Section 906.2 General requirements

Section 906.2 is amended to read:

<u>906.2 General requirements. Portable fire extinguishers shall be selected, installed, and maintained in accordance with this section and NFPA 10.</u>

## **Exceptions:**

- 1. <u>Travel distance to reach an extinguisher shall not apply to the spectator seating portions of</u> <u>Group A-5 occupancies.</u>
- 2. <u>Thirty-day inspections shall not be required, and maintenance shall be allowed to be once</u> every three years annually for dry-chemical or halogenated agent portable fire extinguishers that are supervised by a listed and approved electronic monitoring device, provided that all of the following conditions are met:

- 2.1 <u>Electronic monitoring shall confirm that extinguishers are properly positioned,</u> properly charged and unobstructed.
- 2.2 Loss of power or circuit continuity to the electronic monitoring device shall initiate <u>a trouble signal.</u>
- 2.3 <u>The extinguishers shall be installed inside of a building or cabinet in a</u> <u>noncorrosive environment.</u>
- 2.4 <u>Electronic monitoring devices and supervisory circuits shall be tested every three</u> years annually when extinguisher maintenance is performed.
- 2.5 <u>A written log of required hydrostatic test dates for extinguishers shall be</u> maintained by the owner to verify that hydrostatic tests are conducted at the frequency required by NFPA 10.
- 3. In Group I-3, portable fire extinguishers shall be permitted to be located at staff locations.

Carbon dioxide, wet chemical, halogenated agent, AFFF and FFFP portable fire extinguishers shall be internally examined in accordance with NFPA 10. All other portable fire extinguishers shall be internally examined annually.

Section 907.2.9.4 Automatic smoke detection systems in Group R-4

Section 907.2.9.4 is added to Section 907.2.9, to read:

907.2.9.4 Automatic smoke detection system in Group R-4. An automatic smoke detection system that activates the occupant notification system in accordance with Section 907.5 shall be installed in *corridors*, waiting areas open to *corridors* and *habitable spaces* other than *sleeping units* and kitchens.

**Exceptions:** 

- 1. <u>Smoke detection in habitable spaces is not required where the facility is equipped throughout</u> with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1.
- 2. <u>An automatic smoke detection system is not required in buildings that do not have interior</u> <u>corridors serving sleeping units and where each sleeping unit has a means of egress door</u> <u>opening directly to an exit or to an exterior exit access that leads directly to an exit.</u>

Section 907.2.9.5 Automatic smoke detection systems in Group R-3

Section 907.2.9.5 is added to Section 907.2.9, to read:

907.2.9.5 Automatic smoke detection system in Group R-3. In Truckee Meadows Fire Protection District automatic smoke detection system installed throughout and connected to a central station fire alarm company is required for additions that make the structure more than 5,000 square feet but less than 7,000 square feet.

Section 907.2.10.2.1 Alternative to single- and multiple-station smoke alarms

Section 907.2.10.2.1 is added to 907.2.10.2 Groups R-2, R-3, R-4 and I-1, to read:

907.2.10.2.1 Alternative to single- and multiple-station smoke alarms. Fire alarm in place of single and multiple-station smoke alarms may be replaced by an NFPA 72 Household compliant fire alarm system. Plans shall be submitted to the local fire authority and permit obtained prior to installation.

<u>All fire alarm installation contractors shall be required to be licensed by both the Nevada State</u> <u>Contractors Board and Nevada State Fire Marshal (F license).</u>

Section 907.5.2.1.1 Average sound pressure

Section 907.5.2.1.1 is amended to read:

907.5.2.1.1 Average sound pressure. The audible alarm notification appliances shall provide a sound pressure level of 15 decibels (dBA) above the average ambient sound level or 5 dBA above the maximum sound level having a duration of at least 60 seconds, whichever is greater, in every occupiable space within the building. The minimum sound pressure levels shall be 90 dBA in mechanical equipment rooms and 80 dBA in all other occupancies.

Section 910.2.2 High-piled combustible storage

Section 910.2.2 is amended to read:

910.2.2 High-piled combustible storage. Smoke and heat removal required by Table 3206.2 for buildings and portions thereof containing high-piles combustible storage shall be installed in accordance with Section 910.3 in unsprinklered buildings. In buildings and portions thereof containing high-piled combustible storage equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, a smoke and heat removal system shall be installed in accordance with 910.3 or 910.4. Smoke and heat vents shall be activated by manual controls only per Section 910.4.4. In occupied portions of a building equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 where the upper surface of the story is not a roof assembly, a mechanical smoke removal system in accordance with 910.4 shall be installed.

Section 912.5.1 Service area

Section 912.5.1 is added to Section 912.5 Signs, to read:

<u>912.5.1 Connection sign. An approved all-weather sign indicating the building's address or areas</u> serviced by a sprinkler or standpipe system shall be permanently mounted and maintained on all fire department connections when required by the fire code official.

Section 913.4 Valve supervision

Section 913.4 is amended to read:

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

- 1. <u>Central-station, proprietary or remote-station signaling service.</u>
- 2. Local signaling service that will cause the sounding of an audible signal at a constant attended location.
- 3. Locking valves open.
- 4. <u>Sealing of valves and *approved* weekly recorded inspection where valves are located within</u> fenced enclosures under the control of the *owner*.

Section 914.3.8 Fire fighter air replenishment systems

### Section 914.3.8 is added to Section 914.3 High-rise buildings, to read:

914.3.8 Fire fighter air replenishment systems. A fire fighter air replenishment system shall be provided in all new high-rise buildings of ten (10) or more stories in height. The fire fighter breathing air system installation and maintenance shall comply with Appendix L. Inspection records shall be kept on site and shall be readily available to the fire code official.

## Section [BE] 1023.9.1 Signage requirements

## Section [BE] 1023.9.1 is amended to read:

[BE] 1023.9.1 Signage requirements. Stairway identification signs shall comply with all of the following requirements:

- 1. The signs shall be a minimum size of 18 inches (457 mm) by 12 inches (305 mm).
- 2. <u>The letters designating the identification of the interior exit stairway and ramp shall be not</u> less than 1 ½ inches (38 mm) in height.
- 3. <u>The number designating the floor level shall be not less than 5 inches (127 mm) in height and</u> located in the center of the sign.
- 4. Other lettering and numbers shall be not less than 1 inch (25 mm) in height.
- 5. <u>Characters and their background shall have a non-glare finish. Characters shall contrast with</u> <u>their background, with either light characters on a dark background or dark characters on a</u> <u>light background.</u>
- 6. Where signs required by Section 1023.9 are installed in the interior exit stairways and ramps of buildings subject to Section 1025, the signs shall be made of the same materials as required by Section 1025.4.
- 7. <u>The background color of the sign shall be green if roof access is available from the signed</u> <u>stairway. The background color of the signs shall be red if roof access is not available from the</u> <u>signed stairway.</u>

### Section 3903.2 Prohibited occupancies

Section 3903.2 is amended to read:

<u>3903.2 Prohibited occupancies. Extraction processes utilizing flammable gases or flammable cryogenic</u> fluids liquids shall not be located in a building containing a Group A, E, I or R occupancy.

Section 3903.3 Location

Section 3903.3 is amended to read:

<u>3903.3 Location. The extraction equipment and extraction processes utilizing hydrocarbon solvents</u> shall be located in a room or area dedicated to extraction. For other than CO₂ and nonhazardous extraction process, all marijuana extraction equipment and process shall be located in a room of noncombustible construction dedicated to the extraction process and the room shall not be used for any other purpose.

### Section 3903.5 Use of flammable and combustible liquids

### Section 3903.5 is amended to read:

3903.5 Use of flammable and combustible liquids. The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled or evaporated shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. Extraction and post oil processing operations, including dispensing of flammable liquids between containers, shall be performed in one of the following locations:

1. A chemical fume hood in accordance with Chapter of NFPA 45.

2. A room with an approved exhaust system installed in accordance with the International Mechanical Code or Uniform Mechanical Code.

Electrical equipment used within the hazardous exhaust fume hood shall be rated for use in flammable atmospheres. Heating of flammable or combustible liquids over an open flame is prohibited.

Exception 1: The use of a heating element not rated for flammable atmospheres, where documentation from the manufacture, or approved testing laboratory indicates the element is rated for heating of flammable liquids.

Exception 2: Unheated processes at atmospheric pressure using less than 16 oz. (473 ml) of flammable liquids shall not be required to comply with 3903.5(1) or 3903.5(2).

Section 3903.5.1 Electrical components

Section 3903.5.1 is added to Section 3903.5 Use of flammable and combustible liquids, to read:

<u>3903.5.1 Electrical components. All electrical components within the chemical fume hood or</u> <u>exhausted enclosure shall be approved permanent wiring, interlocked such that the exhaust system</u> <u>shall be in operation for lighting and components to be used.</u>

Section 3903.6 Liquefied petroleum gas

Section 3903.6 is amended to read:

<u>3903.6 Liquefied petroleum gas. Liquefied petroleum gases (LPG) shall not be released to the</u> <u>atmosphere except where released in accordance with Section 7.3 of NFPA 58. LPG liquid piping</u> <u>systems shall be in compliance with NFPA 58.</u>

Sections 3903.6.1 Exhaust

Section 3903.6.1 is added to Section 3903.6 Liquefied petroleum gas, to read:

3903.6.1 Exhaust. An approved exhaust system shall be provided for LPG extractions.

Section 3903.6.1.1 Installation

Section 3903.6.1.1 is added to Section 3903.6 Liquefied petroleum gas, to read:

3903.6.1.1 Installation. The exhaust systems shall be installed and maintained in accordance with the International Mechanical Code or Uniform Mechanical Code as adopted by the Authority Having Jurisdiction.

Section 3903.6.1.2 Processes

Section 3903.6.1.2 is added to Section 3903.6 Liquefied petroleum gas, to read:

<u>3903.6.1.2 Processes. All LPG extraction operations, including processes for off-gassing spent plant</u> material and oil retrieval, shall be conducted within a chemical fume hood, enclosure, or room in compliance with the International or Uniform Mechanical Code as adopted by the Authority Having Jurisdiction.

Section 3903.6.2 Electrical bonding and grounding

Section 3903.6.2 is added to Section 3903.6 Liquefied petroleum gas, to read:

<u>3903.6.2 Electrical bonding and grounding. All conductive equipment and conductive objects within</u> <u>the exhaust room shall be bonded and grounded with a resistance of less than 1.0 x 106 ohms in</u> <u>accordance with NFPA 70.</u>

Section 3903.6.2.1 Classified areas

Section 3903.6.2.1 is added to Section 3903.6.2 Electrical bonding and grounding, to read:

<u>3903.6.2.1 Classified areas. The area within a hood or enclosure used of LPG extractions shall be</u> <u>classified as a Class 1, Division 1 hazardous location in accordance with NFPA 70. Areas adjacent to</u> <u>Class 1, Division 1 locations shall be classified in accordance with NFPA 70.</u>

#### Section 3903.6.2.2 Interlocks

Section 3903.6.2.2 is added to Section 3903.6.2 Electrical bonding and grounding, to read:

<u>3903.6.2.2 Interlock. All electrical components within the extraction room shall be interlocked with</u> <u>the hazardous exhaust system such that room lighting and other extraction room electrical equipment</u> <u>will only operate when the exhaust system is in operation.</u>

Section 3903.6.2.3 Emergency power

Section 3903.6.2.3 is added to Section 3903.6. Electrical bonding and grounding, to read:

<u>3903.6.2.3 Emergency Power. An automatic emergency power system shall be provided for the following items, when installed:</u>

- 1. Extraction room lighting
- 2. Extraction room ventilation system
- 3. Solvent gas detection system

Section 3903.6.2.4 Gas detection systems

Section 3903.6.2.4 is added to Section 3903.6.2 Electrical bonding and grounding, to read:

<u>3903.6.2.4 Gas detection systems. Gas detection systems shall be provided with constant non-interlocked power.</u>

Section 3903.7 Carbon dioxide extraction

Section 3903.7 is added to Section 3903 Processing and Extraction, to read:

<u>3903.7 Carbon dioxide extraction. Carbon Dioxide extraction shall comply with sections 3903.7.1,</u> <u>3903.7.2, and 3903.7.3</u>

Section 3903.7.1 Storage and handling

Section 3903.7.1 is added to Section 3903.7 Carbon dioxide extraction, to read:

<u>3903.7.1 Storage and handling. All CO2 compressed gas cylinders shall be secured using an approved</u> method to prevent falling.

Section 3903.7.2 CO2 gas detection

Section 3903.7.2 is added to Section 3903.7 Carbon dioxide extraction, to read:

<u>3903.7.2 CO₂ Gas Detection. An approved, listed CO2 detection system complying with 5307.4.3 shall</u> <u>be installed in the CO2 extraction room. Auto-calibrating and self-zeroing devices or detectors shall be</u> <u>prohibited.</u>

Section 3903.7.3 CO₂ discharge

Section 3903.7.3 is added to Section 3903.7 Carbon dioxide extraction, to read:

<u>3903.7.3 CO₂ discharge. The extraction equipment pressure relief devices and blow-off valves shall be piped to the exterior of the building.</u>

Section 3903.8 Means of egress

Section 3903.8 is added to Section 3903 Processing and Extraction, to read:

<u>3903.8 Means of Egress. For extraction rooms using hazardous materials, each room shall be provided</u> with at least one exit access door complying with the following:

- 1. The door shall swing in the direction of egress travel.
- 2. The door shall be provided with a self-closing or automatic closing device.
- 3. The door shall be equipped with panic or fire exit hardware.
- 4. <u>The exit access travel distance cannot be increased as allowed in Section 1017.2.2 for</u> <u>extraction/cultivation facilities.</u>

Section 3903.9 Signage

Section 3903.9 is added to Section 3903 Processing and Extraction, to read:

<u>3903.9. Signage. The NFPA 704 hazard rating diamond sign, minimum 10" in size, and no smoking signs shall be posted on the exterior of the extraction room door.</u>

Section 3903.9.1 Safety data sheets

Section 3903.9.1 is added to Section 303.9 Signage, to read:

<u>3903.9.1 Safety data sheets. All applicable safety data sheets (SDS) shall be posted in the approved location.</u>

Section 3903.9.2 Warning signage

Section 3903.9.2 is added to Section 3903.9 Signage, to read:

<u>3903.9.2 Warning signage. Applicable hazard warning signage shall be posted throughout the facility</u> as applicable for emergency equipment.

#### Section 3904.4 Site inspection

#### Section 3904.4 is amended to read:

3904.4 Site inspection. Prior to the operation of the extraction equipment, where required by the fire code official, the engineer of record or approved professional, as approved in Section 3904.2, shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis. The engineer of record or approved professional shall provide a report of findings to the *fire code official* prior to the approval of the extraction process. The field inspection report authored by the engineer of record shall include the serial number of the equipment used in the process and shall confirm that the equipment installed is the same model and type of equipment identified in the technical report.

#### Section 3904.5 Change of extraction medium

Section 3904.5 is added to Section 3904 Systems and Equipment, to read:

<u>3904.5 Change of Extraction Medium. Where the medium of extraction or solvent is changed from the</u> material indicated in the technical report or as required by the manufacturer, the technical report shall be revised at the cost of the facility owner and submitted for review and approval by the fire code official prior to the use of the equipment with the new medium or solvent.

Section 5601.1.3 Fireworks

#### Amend Section 5601.1.3 to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

**Exceptions:** 

1. Storage and handling of fireworks as allowed in Section 5604.

2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.

3. The use of fireworks for fireworks displays as allowed in Section 5608.

Section 5601.1.6 Exploding targets

Section 5601.1.6 is added to Section 5601.1 Scope, to read:

5601.1.6 Exploding targets. The possession, manufacture, sale, and use of exploding targets, including binary exploding targets, are prohibited.

### Section 6101.1 Scope

### Section 6101.1 is amended to read:

6101.1 Scope. Storage, handling and transportation of liquefied petroleum gas (LP-gas) and the

installation of LP-gas equipment pertinent to systems for such uses shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58. In the event of a conflict between any provision in this chapter and the regulations of the Board for the Regulation of Liquefied Petroleum Gas, the regulations of the Board take precedence.

### APPENDIX A, E, F, G, H, I, J, K, L and M ADOPTED IN THEIR ENTIRETY WITH NO AMENDMENTS.

## APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS AMENDMENTS

Appendix B is adopted in whole in accordance with 2018 Edition of the International Fire Code Section 101.2.

### Section B102 Definitions

The following definition is added in Section B102 Definitions to read:

Special Fire Protection Problem Facilities. Special Fire Protection Problem Facilities are those facilities that consist of uses similar to fires that may result in large size fires or fires with high heat release such as bulk flammable liquid storage, bulk flammable gas storage, large varnish and paint factories, some plastics manufacturing and storage, aircraft hangars, distilleries, refineries, lumbervards, grain elevators, chemical plants, coal mines, tunnels, subterranean structures, storage facilities, and warehouses using high rack/piled storage for flammables or pressurized aerosols.

#### Section B103.3 Areas without water supply systems

#### Section B103.3 is amended to read:

B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize the International Wildland-Urban Interface Code or NFPA 1142 where the site is not considered as a "special fire protection problem" as defined in Section B102.

Table B105.2 Required Fire Flow for Buildings Other Than One- and Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses

Table B105.2 of Appendix B Fire-Flow Requirements for Buildings is amended to read as follows:

## TABLE B105.2

### REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY

AUTOMATIC SPRINKLER SYSTEM	MINIMUM FIRE FLOW	FLOW DURATION
(DESIGN STANDARD)	(gallons per minute)	<u>(hours)</u>
No auto sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the International Fire Code	<del>25</del> 50 % of the value in Table <u>B105.1(2)^{ab}</u>	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the International Fire Code	<del>25</del> 50 % of the value in Table <u>B105.1(2)^b</u>	Duration in Table B105.1(2) at the reduced flow rate

### DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

For SI: 1 gallon per minute = 3.785 L/m.

The reduced flow rate shall be not less than 1,500 gallons per minute.

### APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION AMENDMENTS

<u>Appendix C is adopted in whole in accordance with 2018 Edition of the International Fire Code Section</u> <u>101.2.1.</u>

Section C102.2 Distance to a Fire Department Connection (FDC)

Section C102.2 is added to Section C102 Number of Fire Hydrants for a building to read:

<u>C102.2 Distance to a Fire Department Connection (FDC). The maximum distance from a fire hydrant to a fire department connection (FDC) supplying fire sprinklers and/or standpipes shall not exceed 100 feet, or as determined by the fire code official.</u>

### APPENDIX D FIRE APPARATUS ROADS AMENDMENTS

Appendix D is adopted in whole in accordance with 2018 Edition of the International Fire Code Section 101.2.1.

- **SECTION 2:** All ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.
- **SECTION 3:** If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.
- **SECTION 4:** That adoption, the City Clerk of the City of Elko is hereby directed to have this Ordinance published, by title only, together with the Councilmen voting for or against its passage, in the Elko Daily Free Press newspaper, a newspaper printed and published in the City of Elko, for at least one publication.
- **SECTION 5:** This Ordinance shall be effective upon the publication mentioned in Section 4 and shall be enforced on July 1, 2019.

**PASSED AND ADOPTED** this _____day of _____, 2019 by the following vote of the Elko City Council.

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this _____day of _____, 2019.

## **CITY OF ELKO**

By:_____

**REECE KEENER**, Mayor

ATTEST:

Kelly Wooldridge, City Clerk

## Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible action to rename the segment of 15th Street, south of Silver Street to the cul-de-sac, to Walters Court, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: **PUBLIC HEARING**
- 4. Time Required: **5 Minutes**
- 5. Background Information: This request is from the City of Elko Police Department Honor Guard. The name "Walters" is referencing the Elko Police Department's only line of duty death to this date, Officer Clyde "Rusty" Walters. The City Council accepted the name change petition at their April 23, 2019 meeting and directed Staff to set the matter for a public hearing. BT
- 6. Budget Information:

Appropriation Required: NA Budget amount available: NA Fund name: NA

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: A request letter from the Elko Police Department and a display map are included in the agenda packet.
- 9. Recommended Motion: Approve the street name change from 15th Street to Walters Court and direct the Public Works Department to change the street sign.
- 10. Prepared By: Bob Thibault, Civil Engineer
- 11. Committee/Other Agency Review:
- 12. Council Action:
- 13. Council Agenda Distribution:



## ELKO POLICE DEPARTMENT

1448 Silver Street Elko, Nevada 89801 775.777.7310 775.738.1415 Fax www.elkocity.com

To Whom It May Concern,

I am requesting on behalf of the Elko Police Department Honor Guard that the City of Elko consider changing the name of 15th Street. The Elko Police Department would like to have the street changed to Walters Court.

The name "Walters" is referencing the Elko Police Department's one and only line of duty death to this date, Officer Clyde "Rusty" Walters. The Walters family and the Elko Police Department would like to honor Rusty by having 15th Street renamed to Walters Court.

There is currently no businesses on 15th St. A map showing the street that we would like to have renamed has been attached to this letter for your review.

Sincerely,

Elko Police Department Honor Guard

Ben Reed, Jr. Police Chief



## ELKO POLICE DEPARTMENT

1448 Silver Street Elko, Nevada 89801 775.777.7310 775.738.1415 Fax www.elkocity.com Ben Reed, Jr. Police Chief



## **Shelby Archuleta**

From: Sent: To: Subject: Aitor Narvaiza <anarvaiza@elkocountynv.net> Tuesday, May 7, 2019 2:10 PM Shelby Archuleta Street name change

I have received your letter submitted by the Elko Police Dept. reference the name change from south 15th to Walters Court. I believe this would be a great honor to the Walters family and the Elko police dept. Clyde Walter's was killed in the line of duty in ELko. I would this the name change.

Sheriff Aitor Narvaiza



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

April 26, 2019

NV Energy Mr. Jake Johnson 6100 Neil Road Reno, NV 89511

SUBJECT: Proposed Street Name Change

Dear Mr. Johnson:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Illes Dowletes

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

Southwest Gas Corporation Engineering Department PO Box 1190 Carson City, NV 89702-1190

SUBJECT: Proposed Street Name Change

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Mby Solwth

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

**Planning Department** 

April 26, 2019

Satview Broadband Mr. Tariq Ahmad PO Box 18148 Reno, NV 89511

And VIA EMAIL: taroil@yahoo.com

SUBJECT: Proposed Street Name Change

Dear Mr. Ahmad:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Ullo Arcuitta

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

April 26, 2019

Frontier Communication Mr. John Poole 1520 Church Street Gardnerville, NV 89410

SUBJECT: Proposed Street Name Change

Dear Mr. Poole:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

May Sociality

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

Beehive Broadband 2000 N. Sunset Road Lake Point, UT 84074

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

by Arolutite

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

Elko Heat P.O. Box 2347 Elko, NV 89803

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Sully Availate

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

Elko County Planning and Zoning 540 Court Street, Suite 104 Elko, NV 89801

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

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Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

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Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

U.S. Postal Service 500 Aspen Way Elko, NV 89801

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council at a Public Hearing on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Melloy Sociulita

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

Elko County Ambulance Services 569 Court Street Elko, NV 89801

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Noy Arolustito

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

Elko County Sherriff's Department 775 W Silver Street Elko, NV 89801

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Wellas Archultte

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

001630087 PARRADO PARTNERS LP ET AL 12257 BUSINESS PARK DR STE 1 TRUCKEE CA 96161-3334

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council on May 28, 2019.

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Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Why direct the

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov



Planning Department

Website: www.elkocity.com Email:planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

April 26, 2019

001630098 RETIREMEN LLC 14025 W SADDLEBOW DR RENO NV 89511-6740

SUBJECT: Proposed Street Name Change

To Whom It May Concern:

Enclosed for your review and information is a copy of the petition submitted by the Elko Police Department Honor Guard to change the name of South 15th Street to Walters Court, which is tentatively scheduled for consideration by the Elko City Council on May 28, 2019.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this petition.

Thank you for your attention to this matter.

If you have any questions, please contact our office at 777-7160.

Sincerely,

Welloy docustatas

Shelby Archuleta Planning Technician sarchuleta@elkocitynv.gov

## Elko City Council Agenda Action Sheet

- 1. Title: Review, consideration, and possible adoption of Resolution No. 8-19, a resolution of the Elko City Council amending the Elko City Master Plan Transportation Component and Transportation Atlas Map #12, filed as Elko City Master Plan Amendment No. 1-19, and matters related thereto. FOR POSSIBLE ACTION
- 2. Meeting Date: May 28, 2019
- 3. Agenda Category: **PUBLIC HEARING**
- 4. Time Required: **15 Minutes**
- 5. Background Information: On May 7, 2019 the Planning Commission adopted its Resolution No. 1-19 to amend the Transportation Component and the Transportation Atlas Map #12 of the current Elko City Master Plan, and also took action to recommend City Council adopt said amendment via a resolution. An amendment of this type requires positive action by both the Planning Commission and the City Council. If the City Council suggests any changes to the Master Plan amendment as adopted by the Planning Commission, the Master Plan must first go back to the Planning Commission for review and approval. CL
- 6. Budget Information:

Appropriation Required: N/A Budget amount available: N/A Fund name: N/A

- 7. Business Impact Statement: Not Required
- 8. Supplemental Agenda Information: Resolution, P.C. Action Report, P.C. Resolution and related correspondence
- 9. Recommended Motion: Adopt Resolution No. 08-19
- 10. Prepared By: Cathy Laughlin, City Planner
- 11. Committee/Other Agency Review: Planning Commission, Legal Review
- 12. Council Action:
- 13. Agenda Distribution:

Upon introduction and motion by	and seconded by
the following Resolution an	d Order was passed and adopted:

## CITY OF ELKO RESOLUTION NO. 8-19

## A RESOLUTION OF THE ELKO CITY COUNCIL AMENDING THE ELKO CITY MASTER PLAN UPDATING THE PROPOSED FUTURE ROADWAY NETWORK MAP ATLAS #12 AND TRANSPORTATION COMPONENT BY ELIMINATING THE CONNECTION OF EL ARMUTH DRIVE BETWEEN SAGECREST DRIVE AND CELTIC WAY AND ELIMINATING THE EXTENTION OF EL ARMUTH TO THE FUTURE I-80 FRONTAGE ROAD

WHEREAS, the Elko City Council conducted a public hearing on proposed changes to parts of the Elko City Master Plan in accordance with Nevada Revised Statutes, Section 278.220 and the Elko City Code, Section 3-4-13, and

WHEREAS, the Elko City Council received public input, examined documents and materials related to amending the Proposed Future Roadway Network Atlas Map #12 and the Transportation Component of the Elko City Master Plan, and reviewed the previous action taken by the Planning Commission pertaining to the Master Plan amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE ELKO CITY COUNCIL that amended portions of the Elko City Master Plan within the Proposed Future Roadway Network Map Atlas #12 and the Transportation Component, are attached hereto at Exhibits 1 and 2, and that the amendments to the Elko City Master Plan attached hereto at Exhibits 1 and 2 are hereby adopted.

All previous versions of the amended portions of Elko City Master Plan, and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

IT IS FURTHER RESOLVED that this Resolution shall be effective and shall be in force immediately upon adoption, and that upon adoption of this Resolution by the Elko City Council it shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this 28th day of May 2019.

CITY OF ELKO

By:___

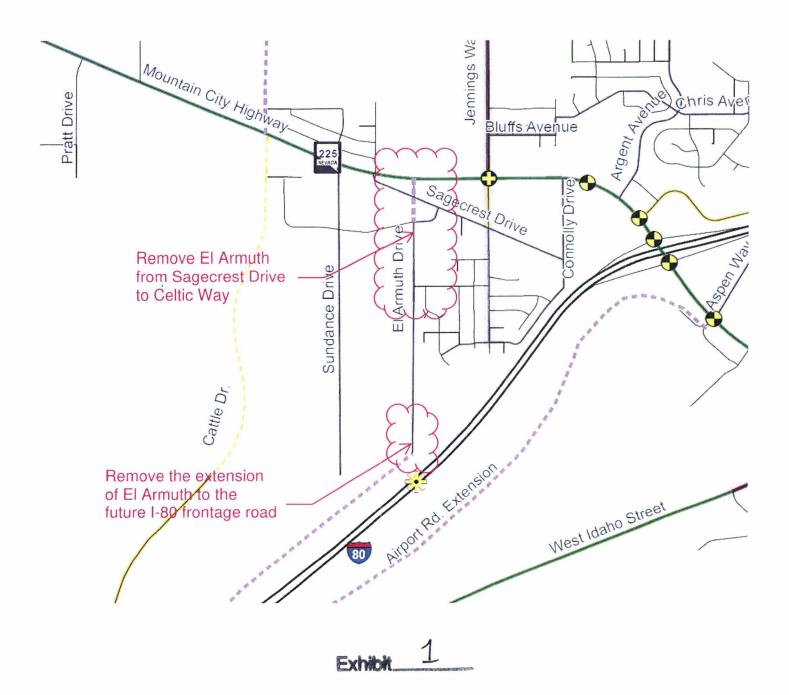
REECE KEENER, MAYOR

ATTEST:

## KELLY WOOLDRIDGE, CITY CLERK

VOTE:

AYES: NAYS: ABSENT: ABSTAIN:





- Country Club Drive
- Court Street, Oak Street to 5th Street and 9th Street to 14th Street
- Delaware Street, between Statice Street and Paradise Drive
- El Armuth Drive (Mountain City Highway to Sagecrest Dr. & Celtic Way to Hondo Lane)
- Enfield Avenue
- Fairway Drive, between Skyline Drive and Keppler Drive
- Forest Lane, between Montrose Lane and Enfield Avenue
- Garcia Lane South 11th Street
- Highland Drive
- Indian View Heights Drive
- Jennings Way, south of Mountain City Highway
- Keppler Drive
- La Nae Drive, between Bluffs Avenue and Cottonwood Drive
- Mittry Avenue (Chris Ave to College Parkway)
- Montrose Lane
- Opal Drive
- Rocky Road (future)
- Ruby View Drive
- Sagecrest Drive
- Sewell Drive
- Spruce Road, between 5th Street and -Jennings Way
- Stitzel Road, between Pinion Road and Liberty Drive
- Sundance Drive

#### Regional Roadways

Regional Roadways are those collector or arterial streets characterized by moderate to high traffic volumes with significant traffic origins or traffic destinations outside of the corporate boundaries of the City of Elko. The following are considered Regional Roadways:

- Jennings Way Loop
- 5th Street
- Ruby Vista Drive, east of Jennings Way
- Delaware Street
- Idaho Street
- Silver Street
- Manzanita Lane
- 12th Street, south of Idaho Street
- Last Chance Road
- Bullion Road, west of Errecart Boulevard
- Errecart Boulevard

* Note that the Elko City Council approved the above list of Regional Roads; however, at this time Manzanita Lane and Last Chance Road are not recognized by the RTC as regional roads.

#### Roadway Capacity

Level of service (LOS) is a term used to measure and describe the operational conditions of a roadway network. Letters A through F are used to measure the LOS of a roadway segment or intersection. The following definitions are given for each level of service letter.





CITY OF ELKO Planning Department

Website: www.elkocity.com Email: planning@elkocitynv.gov

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7219

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of May 7, 2019

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on May 7, 2019 under Public Hearing format in accordance with notification requirements contained in NRS 278.210 and Elko City Code Section 3-4-12 A.:

Resolution 1-19, containing amendments to the Atlas Map #12 and the Transportation Component of the City of Elko Master Plan, and matters related thereto.

WHEREAS, the Planning Commission, upon review and consideration of the supporting data, public input and testimony, adopt Resolution 1-19, containing amendments to the Transportation Component and Atlas map #12 of the City of Elko Master Plan; directing that an attested copy of the foregoing parts, amendments, extensions of and/or additions to the Elko City Master Plan be certified to the City Council; further directing that an attested copy of this Commission's report on the proposed changes and additions shall have be filed with the City Council; and recommending to City Council to adopt said amendments by resolution.

Attest:

Shelby Archuleta, Planning Technician

CC: Michele Rambo, Development Manager (via email) Kelly Wooldridge, City Clerk

STAFF COMMENT FLOW SHEET PLANNING COMMISSION AGENDA DATE: **Do not use pencil or red pen, they do not reproduce** Title: Master Plan Amendment 1-19, PC Resolution 1-19 Applicant(s): City of ELK Site Location: ______ Current Zoning: <u>NA</u> Date Received: <u>NA</u> Date Public Notice: _____ COMMENT: This is for an anundment and to Atlas Map#12 and the Transportation Component of the Master + **If additional space is needed please provide a separate memorandum** Assistant City Manager: Date: <u>4/29/19</u> <u>Recommend approval as presented by staff</u> Initial City Manager: Date: <u>4/30/19</u> No comments/concerns Initial



Planning Department

Website: www.elkocity.com Email: planning@ci.elko.nv.us

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7119

## Memorandum

To: Planning Commission From: Cathy Laughlin –City Planner Date: April 3, 2019 Meeting Date: Tuesday, May 7, 2019

## Agenda Item:

1. Review, consideration, and possible adoption of Resolution 1-19, containing amendments to the Atlas Map #12 and the Transportation Component of the City of Elko Master Plan, and matters related thereto. FOR POSSIBLE ACTION

## Additional Information:

The City of Elko Master Plan Transportation component and Atlas Map #12 show El Armuth Drive extending from Mountain City Highway to a frontage road along I-80. The existing mapped area for El Armuth Drive is not actual dedicated right-of-way but is a parcel (Parcel C) owned by the original property owner or their heirs of the original map recorded with Elko County Recorder as File No. 30415 recorded 5/31/1967. With a recent Stage 1 subdivision meeting, Staff has determined that the extension from Sagecrest Drive to Celtic Way is very unlikely. There have been two property owners on Royal Crest Drive which have done a quiet claim deed on portions of Parcel C adjacent to their property and therefore we would never have a full 60' right-of-way width without those same property owners dedicating it back to the City of Elko. There is also a large drainage between Royal Crest Drive and Celtic Way that would be cost prohibitive to develop the roadway. We are proposing to eliminate the connection of El Armuth from Sagecrest Drive to Celtic Way. El Armuth south of Celtic Way towards I-80, there is a property south of Hondo Lane in which the City of Elko would have to acquire in order to have connectivity to the future I-80 frontage road. We propose to eliminate the extension of El Armuth south of Hondo Lane to the I-80 frontage road.

## ELKO CITY PLANNING COMMISSION RESOLUTION NO. 1-19

i.

## A RESOLUTION OF THE ELKO CITY PLANNING COMMISSION AMENDING THE ELKO CITY MASTER PLAN UPDATING THE PROPOSED FUTURE ROADWAY NETWORK MAP ATLAS #12 AND TRANSPORTATION COMPONENT BY ELIMINATING THE CONNECTION OF EL ARMUTH DRIVE BETWEEN SAGECREST DRIVE AND CELTIC WAY AND ELIMINATING THE EXTENTION OF EL ARMUTH TO THE FUTURE I-80 FRONTAGE ROAD

WHEREAS, the Elko City Planning Commission conducted a public hearing in accordance with Nevada Revised Statutes, Section 278.210 and the Elko City Code, Section 3-4-12, and

WHEREAS, the Elko City Planning Commission received public input, and reviewed and examined documents and materials related to amending Proposed Future Roadway Network Atlas Map #12 and the Transportation Component of the Elko City Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Elko City Planning Commission that amended portions of the Elko City Master Plan within the Proposed Future Roadway Network Map Atlas #12 and the Transportation Component, are attached hereto at Exhibit 1 and 2, and that the amendments to the Elko City Master Plan attached hereto at Exhibit 1 and 2 are hereby adopted.

All previous versions of the amended portions of Elko City Master Plan, and all resolutions or parts of resolutions in conflict herewith are hereby repealed.

An attested copy of the Elko Planning Commission's report on the aforementioned changes and additions to the Elko City Master Plan shall be filed with the Elko City Council within forty (40) days of this Resolution.

The amendment to the Elko City Master Plan attached hereto at Exhibit 1 and 2, or any portion thereof, shall be effective upon adoption by the Elko City Council.

PASSED AND ADOPTED this 2nd day of April 2019 by a vote of not less than twothirds of the membership of the Planning Commission per NRS 278.210 (3) and Elko City Code Section 3-4-12 (B).

By: ____

Jeff Dalling, Chairman

Attest: ____

Tera Hooiman, Secretary

1.00

AYES:

NAYS:

ABSENT:

ABSTAIN: