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2 SECOND AMENDMENT

3 BILL NO. 90-63

4 ORDINANCE No. 3538

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

16 Sponsored By:

17 Councilman Arnie Adamsen

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

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

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

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

29 Section 3708: (a) Fireplaces in New Construction and New  
30 Fireplaces in Existing Construction. Effective July 1,  
31 1991, no fireplace shall be constructed in any residen-  
32 tial dwelling unit in the City of Las Vegas unless it is  
one of the following:  
(1) A fireplace equipped with gas logs with a listing  
approved by the Building Official;  
(2) A dedicated natural gas burning factory-built

- 1 fireplace with a listing approved by the Building  
2 Official;
- 3 (3) A dedicated woodburning factory-built fireplace  
4 that conforms to the "Phase II Environmental Pro-  
5 tection Agency Standards for Wood Heaters," as  
6 prescribed in NSPS, 40 CFR Part 60, Subpart AAA  
7 (emitting less than 7.5 grams per hour of par-  
8 ticulate matter);
- 9 (4) A masonry fireplace that includes the installation  
10 of a woodburning insert which meets the standards  
11 described in Paragraph (3) of this Subsection and  
12 which is installed in accordance with the insert  
13 manufacturer's instructions;
- 14 (5) A low-emission fireplace that is deemed by the  
15 Building Official to be equivalent to one or more  
16 of the fireplaces permitted in this Subsection (a),  
17 based upon third-party laboratory documentation or  
18 certification by a state or federal agency; or
- 19 (6) A decorative electrical appliance.
- 20 (b) Exception: None of the terms or prohibitions  
21 of this Section shall apply to or be enforced against any  
22 wood heater that has been certified by the Environmental Pro-  
23 tection Agency. Uncertified wood heaters shall not be  
24 installed within the City of Las Vegas.
- 25 SECTION 2: If any section, subsection, subdivision,  
26 paragraph, sentence, clause or phrase in this ordinance or any  
27 part thereof, is for any reason held to be unconstitutional or  
28 invalid or ineffective by any court of competent jurisdiction,  
29 such decision shall not affect the validity or effectiveness of  
30 the remaining portions of this ordinance or any part thereof.  
31 The City Council of the City of Las Vegas, Nevada, hereby  
32 declares that it would have passed each section, subsection, sub-

1 division, paragraph, sentence, clause or phrase thereof irrespec-  
2 tive of the fact that any one or more sections, subsections, sub-  
3 divisions, paragraphs, sentences, clauses or phrases be declared  
4 unconstitutional, invalid or ineffective.

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

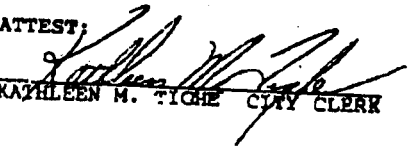
22 SECTION 4: All ordinances or parts of ordinances,  
23 sections, subsections, phrases, sentences, clauses or paragraphs  
24 contained in the Municipal Code of the City of Las Vegas, Nevada,  
25 1983 Edition, in conflict herewith are hereby repealed.

26 PASSED, ADOPTED AND APPROVED this 21st day of November,  
27 1990.

28 APPROVED:

29  
30 By   
RON LURIE, MAYOR 0611-26-70 RRLW

31 ATTEST:

32   
KATHLEEN M. TIGHE CITY CLERK

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

11 VOTING "AYE": Councilmen Adamsen Higginson, Miller, and Mayor Lurie  
12 VOTING "NAY": NONE  
13 ABSENT: Councilman Nolen

14  
15 APPROVED:

16 By   
17 RON LURIE, MAYOR *DK 11-21-90 RLW*

18 ATTEST:

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20 KATHLEEN M. TIGHE, CITY CLERK

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