



# Clark County Fire Department

## FIRE PREVENTION BUREAU

4701 W. Russell Road • Las Vegas, NV 89118

**John Steinbeck, Fire Chief**

Kelly Blackmon, Sr. Deputy Fire Chief/Fire Marshal

Danny Horvat, Assistant Fire Chief • Wayne Dailey, Assistant Fire Chief



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### RULES AND PROCEDURES OF THE CLARK COUNTY BOARD OF FIRE CODE APPEALS

The following rules and procedures are hereby adopted by the Clark County Board of Fire Code Appeals, as authorized by Clark County Code, Section 13.040.070 Subsection 109.

1. The Board of Fire Code Appeals shall hold general public information meetings once each year, as well as, when requested by the Fire Code Official/Secretary of the Board for the purpose of hearing appeals.
2. A Chairman of the Board of Fire Code Appeals shall be elected by a majority of those regular members present at the first meeting of each calendar year to serve for a term of one calendar year. A Vice-Chairman shall be elected in the same manner, at the same time, for a term of one calendar year.
3. The Chairman of the Board of Fire Code Appeals shall preside at all meetings, shall conduct all hearings, and exercise and perform such other powers and duties, as may be, from time-to-time, assigned to him/her by the Board of Fire Code Appeals or prescribed by the rules and procedures. In presiding meetings and hearings, Chairman shall rule on procedure and on order of presentation.
4. In the absence or disability of the Chairman, the Vice-Chairman shall perform all the duties of the Chairman and when so acting shall have all the powers of and be subject to all the restrictions upon the Chairman.
5. In the absence of both the Chairman and the Vice-Chairman of the Board of Fire Code Appeals, a Chairman pro tempore shall be elected from among those members present by a majority vote of all the Board members present.
6. A quorum of members shall be declared upon the presence of four (4) regular members at a meeting properly noticed.
7. Should any member have knowledge of facts which may constitute a conflict of interest in the consideration of any appeal, the member shall immediately notify the Fire Code Official and the members of the Board of said conflict.

#### BOARD OF COUNTY COMMISSIONERS

JAMES B. GIBSON, Chair • JUSTIN C. JONES, Vice Chair

MARILYN KIRKPATRICK • WILLIAM McCURDY II • ROSS MILLER • MICHAEL NAFT • TICK SEGERBLOM  
KEVIN SCHILLER, County Manager

8. The Secretary shall keep, or cause to be kept, a summary minutes of the proceedings of the Board of Fire Code Appeals and shall prepare an agenda for each meeting which shall be furnished to all members prior to the actual hour of the meeting. The Secretary shall also be the custodian of records for the Board of Fire Code Appeals. Upon the filing of an appeal, the Secretary shall furnish each regular member with a copy of the letter of appeal, information furnished by the appellant, and the Clark County Code information related to the appeal.

9. Appeals from a decision of the Fire Code Official shall be in writing, shall be directed to a specific decision of the Fire Code Official, and consideration of said appeal by the Board of Fire Code Appeals to substantiate the written request for an appeal. The attached *Guidelines for Preparing Appeals* are recommended for use by the appellant in filing of a written appeal.

10. The appellant has the burden to submit adequate data to the Fire Code Board of Appeals to substantiate the written request for an appeal prior to the hearing. The attached *Guidelines for Preparing Appeals* is recommended for use by the appellant in the filing of a written appeal. An appeal will be heard at a meeting called pursuant to law by the Fire Code Official/Secretary. Any data, documentation or evidence to substantiate appellant's written request for an appeal must be received by the Board not less than 14 days prior to such hearing.

11. Rules of Procedures. The Appeals Board shall act in a quasi-judicial manner with all hearings and deliberations conducted in public. The Board shall use "*Robert's Rules of Order*" to conduct meetings.

12. Scope of Authority. The Board of Fire Code Appeals, under the appeal process, hears appeals from decisions of the Fire Code Official and shall provide final interpretations on the provisions of the codes specified in the Clark County Fire Code stated above to hear applications and to determine the suitability of modification of the requirements of the Clark County Fire Code pursuant to Clark County Code, Section 13.040.070, Subsection 109. The Board of Fire Code Appeals has no authority to grant waivers or variances to specific code requirements. Materials, methods, or work offered must be, for the purpose intended, at least equivalent to that prescribed in the applicable code in suitability strength, effectiveness, fire resistance, durability, safety, and sanitation.

13. The appellant has the obligation to present his/her case of appeal to the Fire Code Board and may submit evidence or argument only within the scope of the appeal originally submitted in writing. Each Fire Code appeal shall be heard separately.

14. The appellant shall cause to be made at their own expense any tests or research necessary to support their claims before the combined board of building appeals.

15. The Fire Code Official may submit information and evidence in support of the original determination.

16. The Board of Fire Code Appeals shall issue a written decision based on the evidence presented at the hearing. The decision shall be signed by the chairman of the Board and shall be filed with the Fire Code Official. A copy of the decision will be delivered to the appellant by U.S. certified mail.

17. Liability. Neither the Board of Fire Code Appeals nor any member thereof shall be liable for, and the Board and each member thereof is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any good faith act or by reason of any good faith act or omission in the discharge of any duty specified herein. Any suit brought against the Board or any member thereof resulting from such act or omission performed by them as members of the Board in the performance of their duties shall be considered an act of Clark County and shall be subject to its liability insurance coverage.

18. The decision of the Board of Fire Code Appeals on an appeal shall be final.

19. These bylaws may be amended by a vote of four (4) of the regular members of the Board of Fire Code Appeals in favor of an amendment

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the following vote:

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_

\_\_\_\_\_  
, Chairman

\_\_\_\_\_  
, Vice-Chairman

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Kelly Blackmon, Sr. Deputy Fire Chief  
Fire Code Official/Secretary