

# Regional Code Adoption and Amendments for Northern Nevada

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Northern Nevada is similar to many other geographically, politically and economically connected regions in the U.S. with regard to the adoption and enforcement of model building and fire safety codes. In compliance with state statutes, major jurisdictions within the region have historically adopted and enforced the codes at the local level. This has often resulted in unique amendments for each jurisdiction, sometimes leading to conflict and confusion for the regional development community and construction trades as well as for prospective national and international developers.

Last year in preparation for the adoption of updated codes, the Northern Nevada Code Amendment Committee was formed to create the first regional amendment package for inclusion in adoption ordinances by participating jurisdictions. Thanks to the committee's efforts, this set of regional amendments will be included in several local Northern Nevada adoptions with a targeted effective date of January 1, 2008.

Regions facing similar challenges may benefit from a closer look at the Northern Nevada experience. What were the roadblocks to success, and how did the Code Amendment Committee navigate the minefield of political, technical and special interest sensitivities?

## Background

The population of the Northern Nevada region, which is centered around the Reno vicinity and counts Sparks, Carson City and Washoe County among its major jurisdictions, is currently approaching 700,000. Prior to 2004,

jurisdictions in the region historically adopted the *Uniform Codes*. Adoptions of the *International Codes* began shortly after they were introduced, and today Reno, Sparks, Fernley, Carson City, Washoe County and Lyon County utilize the 2003 editions of the *International Building Code* (IBC) and *International Residential Code* (IRC) but, as before, with a variety of local amendments unique to each jurisdiction.

The membership of the Northern Nevada Chapter of the International Code Council (NNICC) is composed of local building officials, plan reviewers and inspectors along with representatives from the development and construction trades industries. The regular chapter meetings provide a forum for training; presentations on subjects of special interest; and—as might be expected—discussions about code adoption challenges, including unique local amendments.

By encouraging and promoting development and construction trade participation, the NNICC created a rich environment for an increased awareness of the difficulties users of the disparate local codes routinely faced. As a result, Chapter President and Washoe County Department of Building Safety Deputy Building Official Mike McCullogh was approached by Carson City administrators in mid-2006 to see if the NNICC could harness its significant resources to mount a coordinated regional code amendment effort.

McCullogh responded by inviting representatives of all of the jurisdictions in the region to meet to explore the feasibility of regional code adoption and amendment. Recognizing that buy-in would be needed from the

construction and design industry, invitations were also extended to these stakeholders. The initial meeting in November 2006 was attended by representatives of five jurisdictions and three trade groups, a Steering Committee was established, and a mission statement was created: “To promote uniformity between the Northern Nevada jurisdictions for code adoptions and code acceptance for the benefit of the Northern Nevada communities.”

The Steering Committee selected the 2006 IBC, IRC, *International Existing Building Code* and *International Energy Conservation Code* and the 2005 *National Electrical Code* as the documents to be adopted, along with the 2006 *Uniform Plumbing Code* (conforming to a Nevada statute) and 2006 *Uniform Mechanical Code*. That accomplished, subcommittees were formed to identify and develop potential amendments for each of these codes based on criteria including local conditions, compatibility, omission and area modification.

The subcommittees were chaired by qualified jurisdiction employees and were constituted in a manner that welcomed participation from all interested parties. A simple majority vote was required to bring a proposed amendment forward to the Steering Committee. The advantages of limiting code amendments to truly significant local issues or conflicts, addressing such issues from the perspective of clear public interest, and relying on the “safe harbor” afforded by adhering to national model codes whenever possible were a priority for the Steering Committee. The subcommittees were charged with the initial goal of recommending “zero amendments,” and the Steering Committee established the requirement of a two-thirds majority vote for approval of any proposed amendment.

### Common Obstacles

Regional code amendment efforts like the one recently undertaken in Northern Nevada face an array of potential obstacles. These can be generally categorized as political, logistical or legal.

One of the most common political obstacles is a fear on the part of local leaders of the loss of autonomy. Typical objections include: “We’ve always done it this way,” “If it ain’t broke, why fix it?” and “We don’t want to lose control of that local government function.” Strategies must be developed to counter these arguments, including the clear presentation of tangible, positive benefits that will more than offset any real or perceived negatives. In addition, the establishment of a formal intergovernmental agreement between participating jurisdictions outlining the mutual challenges, proposed solutions and an agreed-upon course of action will help guide regional adoption efforts.

Developing regional amendments will also result in a workload increase that committee participants will be required to absorb over several months. A project structure of committees formed to address specific codes or topics is usually required, and a mechanism to communicate and record the proposed amendments is necessary. In order for the effort to be successful, leadership at structured levels will need to keep the committees on task and on schedule. An important key to securing the required committee chairs and membership is the specific approach used to solicit, empower and energize participants.

Finally, the creation of public policy requires careful attention to legal issues to ensure that no missteps along the way result in unforeseen process impediments. A thorough understanding of state and local laws governing public meetings and governmental rulemaking will minimize the likelihood of such undesirable outcomes. Inclusion of all stakeholders in a public process to create proposed building and fire safety codes which are subsequently considered and approved by elected government representatives is a logical and safe approach. However, care must be exercised to avoid the passage of political amendments as opposed to technically justified ones. Any proposal to exclude nationally recognized and approved technology or products without substantial justification should be carefully examined from all angles to avoid subsequent legal challenges.

### A Model for Progress

With these common obstacles in mind, the Northern Nevada Code Amendment subcommittees labored from January through July of 2007 to create approximately 100 proposed amendments. At press-time, the Steering Committee has reviewed and approved 69 of these proposed amendments to be included in the regional amendment package. It is anticipated that this package will be introduced, considered and approved by six local jurisdictions in Northern Nevada as part of their planned code updates.

The Northern Nevada Code Amendment Committee’s progress in addressing the region’s traditional, disharmonized code environment exemplifies how stakeholders can work together toward regulatory improvement. Their effort can confidently be expected to prove beneficial to code users and enforcers alike, and serve as a process model for other regions that may be considering the pursuit of a similar goal. ♦

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