



Clark County Department of Building & Fire Prevention

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TITLE: VIOLATIONS AND STOP WORK ORDERS

SCOPE: Clark County Department of Building & Fire Prevention requirements for written field orders. This applies to all personnel of Fire Prevention of the Clark County Department of Building.

PURPOSE: To clarify the use of various written field orders. To gain compliance with state and local codes, ordinances, and regulations; and to provide a course of action to be taken when a condition exists that causes a threat to life or property from fire, explosion, or release of hazardous materials.

DEFINITIONS:

Citation – A written document indicating a violation of the Fire Code, orders the recipient to court, and assesses a penalty due to the Fire Code violation.

Notice of Violation – A written document indicating a violation of the Fire Code, an order to remedy the Fire Code violation, and a timeframe of 3-14 calendar days for when reinspection will occur to determine that Fire Code compliance has been achieved.

Order to Comply – A written document indicating a violation of the Fire Code, an order to remedy the Fire Code violation, and a timeframe of 15-30 calendar days for when reinspection will occur to determine that Fire Code compliance has been achieved.

Stop Work Order – A written document used to order a stop to non-permitted construction. Also, this document is utilized to stop ongoing operations when Fire Code violations exist.

Temporary Mitigating Measures – Steps taken to temporarily address the hazards due to Fire Code violations, permitting continued use and occupancy. Measures are subject to Fire Department approvals.

GENERAL:

Fire Prevention uses written field orders to direct building owners and users to achieve compliance with the adopted Fire Code. There are four general field orders. These four different orders provide for a means for commensurate application of order with respect to the hazard present by noncompliance with the Fire Code. The written field orders may be used individually, or progressively, as is warranted for the hazard.

Order to Comply:

The Order to Comply is the first level of field order that is written. An Order to Comply is used to identify a code violation, and provides a time-frame where the building owner/user has time to correct the code violation prior to a reinspection. The reinspection time-frame for an Order to Comply is a minimum of 15 calendar days and a maximum of 30 calendar days. Time-frames for compliance will be commensurate with the impact of the situation being addressed. Items that are suitable for an Order to Comply are those that indicate a system or operation is out of compliance due to lack of maintenance of system components or operations that do not meet a specific code provision, and that do not pose an immediate life hazard. The Order to Comply may be issued directly by a fire inspector without requiring specific permission to issue such order from a Deputy Fire Marshal or a Chief Officer. An Order to Comply shall include the Fire Code section that has been violated, and shall clearly indicate the date that a reinspection will occur to clear the Order to Comply. If the timeframe to comply with an Order to Comply expires without demonstrating compliance with the Fire Code, a notice of violation may be issued.

Notice of Violation:

The Notice of Violation is the second level of field order issued and is either used to address a higher hazard of code noncompliance than is associated with an Order to Comply, or is used to address expiration of an Order to Comply timeframe. The Notice of Violation provides a shorter timeframe prior to reinspection than is provided for an Order to Comply. The reinspection time-frame for a Notice of Violation is a minimum of 3 calendar days and a maximum of 14 calendar days. Time-frames for compliance will be commensurate with the impact of the situation being addressed. Items that are suitable for a notice of violation include installation of systems without permits, an operation for which use permits have not been obtained, or failure to comply with an Order to Comply. A Notice of Violation does not have to be preceded by an Order to Comply, when the hazard associated with the noncompliant item is of sufficient hazard to require a more immediate remedy. The Notice of Violation may be issued by a fire inspector after gaining approval to issue such Notice of Violation by their immediate supervising Deputy Fire Marshal. A Notice of Violation shall include the Fire Code section that has been violated, and shall clearly indicate the date that a reinspection will occur to clear the Notice of Violation. If the timeframe for a Notice of Violation expires without demonstration of compliance with the Fire Code, a citation may be issued.

Citation:

It is the intent of the Fire Prevention to achieve compliance by traditional means of inspections, notifications, granting reasonable time to comply, and reinspection, as discussed above. The Citation is used to assess fines when a Notice of Violation is not remedied within the allotted time-frame, or to cite individuals who knowingly act in violation of the Fire Code, or when an imminent hazard or threat to life exists. The Citation may be issued by a fire inspector after gaining approval to issue such Citation by their immediate supervising Deputy Fire Marshal. A total of two violations may be placed on one citation. All violations as shown on the citation shall be explained to the violator prior to signing, and all violations shall be indicated on the citation with reference to the appropriate code or regulation including the specific section number. The offense for which the citation is issued shall be a misdemeanor and not a felony. A citation for misdemeanor offense is issued in lieu of physical arrest. The violator's signature is a promise to appear as instructed and is not an admission of guilt. The issuance of citations applies on a daily basis for each calendar day until the noncompliant condition has been corrected. At the discretion of the Fire Chief or his/her designee, after violations on citations are not corrected for 10 consecutive calendar days, a Stop Order may be issued.

Stop Work Order:

The Stop Order is the highest level of written order that is available. The Stop Order is used when the highest level of code violations are encountered. A Stop Order may be issued anytime a condition, operation, or action severely reduces the fire and life safety protection provided to building owners, occupants, and neighbors, or when consecutive citations fail to gain compliance. The timeframe for a Stop Order is immediate. The types of hazards that may result in Stop Orders being issued include major impairment of fire protection systems and unlawful operations. The necessity of the Stop Order must be commensurate with the hazard presented. Stop Orders may require cessation of an activity or operation, partial evacuation, or full evacuation of a building. Stop Orders may be issued by a fire inspector or Deputy Fire Marshal only after approval from the Fire Chief or his/her designee.

Prior to issuing a Stop Order, the fire prevention employee must answer the following:

- 1) Does the situation present an imminent danger health, safety and welfare of the public?
- 2) Is the situation more appropriately handled administratively, such as with issuance of a citation?
- 3) Is the situation temporary or permanent?
- 4) Is there a readily identifiable ignition source, such as open flames/welding/cooking operations that introduce an ignition source?
- 5) Can the situation be corrected within a short timeframe (within 2 hours)?
- 6) Can the situation be isolated?

Situations that are suitable for full building evacuation include, but are not limited to, loss of fire protection water supply for a high-rise building, loss of water supply for fire hydrants, loss of fire alarm functions in a non-sprinklered building, and improper use or operation that is not permitted within the existing approved building occupancy classification.

Situations that are suitable for partial building evacuation include, but are not limited to, loss of fire protection water supply for a portion of a high-rise building, loss of water supply for a portion of fire hydrants, loss of fire alarm functions in a portion of a non-sprinklered building, and use of a portion of a building for an operation that is not permitted within the building due to occupancy classification. When evacuating only a portion of a building, review must be taken to ensure that the remainder of the building that continues to be occupied is provided with all fire protection intended for full building operation, and that a fire in the unprotected portion will not negatively affect the occupied portion of the building.

Temporary Mitigating Measures:

Upon receipt of any written order, the building owner/user has the right to discuss Temporary Mitigation Measures with the Fire Prevention. Temporary Mitigation Measures are activities that compensate for the temporary loss of fire protection or temporarily address hazards from operations not compliant with the Fire Code. The purpose of instituting Temporary Mitigation Measures is to ensure the safety of building occupants while stopping the escalation of written orders as described above.

Requests for use of Temporary Mitigation Measures must be in writing and signed by the building owner or representative. The letter must identify and recognize the Fire Code violations that exist, provide a plan with a time-frame for correction of the Fire Code violation, and provide a means for mitigating the Fire Code violation. The letter must recognize that should the proposed timeframe expire or should the temporary mitigation be discontinued, that written orders will commence. The

letter must be submitted to and approved by Fire Prevention prior to instituting the Temporary Mitigation Measures.

Temporary Mitigation Measures may include:

1. Institute a fire watch, overseen by the owner. Fire watch is only applicable to situations where a fire protection system is impaired and undergoing repair.
2. Institute a fire watch, overseen by FP personnel. Fire watch is only applicable to situations where a fire protection system is impaired and undergoing repair.
3. Manual intervention, such as closing fire doors, staffing fire suppression activation buttons, staffing smoke control panels, fire engine standby, shut down building process equipment, unlocking stair doors, etc, as applicable to the hazard.
4. Discontinuing an operation, such as cooking operations, hazardous operations, or removing hazardous materials from a building where protection is impaired or otherwise not available.
5. Adding temporary equipment, such as a fire pump rental when the building fire pump is out of service.