

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Fire protection-plan review.

Sponsored by: Joint Corporations, Elections and Political Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; modifying  
2 provisions for plan reviews conducted by the state fire  
3 marshal to ensure compliance with fire and safety  
4 standards; expanding the plan review to installation of  
5 certain fuel storage tanks; adding enforcement provisions;  
6 repealing language; providing for appeal of state fire  
7 marshal's orders; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-9-108(a)(intro), (iv), by creating  
12 a new paragraph (vi) and by creating new subsections (j)  
13 through (p) is amended to read:

14

15 **35-9-108. Plan review; procedure; fees.**

1

2 (a) Prior to beginning ~~work~~ any new construction, the  
3 remodeling of existing buildings or the installation of  
4 aboveground flammable or combustible fuel storage tanks,  
5 the owner or the owner's designated representative shall  
6 submit plans to the state fire marshal ~~and the state fire~~  
7 ~~marshal shall~~ for review ~~for~~ of the proposed project for  
8 compliance with applicable fire and electrical safety  
9 ~~considerations~~ standards ~~and efficient energy usage~~ all  
10 ~~plans for construction or remodeling, if the cost of~~  
11 ~~remodeling exceeds twenty-five percent (25%) of the market~~  
12 ~~value of the structure or five thousand dollars~~  
13 ~~(\$5,000.00), whichever is less, of~~ for:

14

15 (iv) Buildings intended for use as child care  
16 centers housing more than ~~eleven (11)~~ ten (10) children;

17

18 (vi) Public and private aboveground fuel  
19 dispensing facilities.

20

21 ~~(f) Prior to occupancy the state fire marshal may~~  
22 ~~inspect a building to determine conformance with the~~  
23 ~~requirements of the plan review.~~

24

1       ~~(g) No person shall be denied a permit or certificate~~  
2 ~~of occupancy for any new building if the building is under~~  
3 ~~construction or constructed in accordance with plans~~  
4 ~~approved under this section. If a violation is found by~~  
5 ~~the department, the department shall notify the owner at~~  
6 ~~the time the permit or certificate of occupancy is issued.~~  
7 ~~A person may be required to correct violations discovered~~  
8 ~~after final plan review approval only if the violation~~  
9 ~~could not reasonably have been discovered by reviewing the~~  
10 ~~plans.~~

11  
12       (j) No new construction or remodeling of buildings or  
13 installation of aboveground flammable or combustible fuel  
14 storage tanks shall begin until the state fire marshal has  
15 approved the plans for compliance with applicable fire and  
16 electrical safety standards.

17  
18       (k) If new construction or remodeling of buildings or  
19 installation of aboveground flammable or combustible fuel  
20 storage tanks is commenced without approved plans, the  
21 state fire marshal may order the construction, remodeling  
22 or installation to cease until plans are approved, subject  
23 to the requirements of subsection (m) of this section.

24

1       (m) Orders issued by the state fire marshal pursuant  
2 to this section shall be served upon the owner in the  
3 manner provided for service of process by the Wyoming Rules  
4 of Civil Procedure. The order shall require that the  
5 person served immediately cease certain activities until he  
6 has complied with the applicable statutory requirements.  
7 The order shall be in full force and effect from the time  
8 of service until the person complies with the statutory  
9 requirement as described in the order, or the order is  
10 revoked by the council. If the person fails to cease  
11 certain activities as required within forty-eight (48)  
12 hours of service, the person is guilty of a misdemeanor.

13  
14       (n) After new construction or remodeling of buildings  
15 is completed, the state fire marshal shall inspect the  
16 building and determine conformance with the plan review.  
17 If he finds conformance, the state fire marshal shall issue  
18 a certificate of occupancy for a newly constructed building  
19 and a letter of compliance for a remodeled building. No  
20 newly constructed or remodeled building shall be used or  
21 occupied until the state fire marshal has issued a  
22 certificate of occupancy or letter of compliance. If a  
23 newly constructed or remodeled building is used or occupied  
24 prior to the issuance of a certificate of occupancy or

1 letter of compliance, the state fire marshal shall order  
2 the use and occupancy of the building to cease until a  
3 certificate of occupancy or letter of compliance is issued,  
4 subject to the requirements of subsection (m) of this  
5 section.

6  
7 (o) After the installation of aboveground flammable or  
8 combustible fuel storage tanks is completed, the state fire  
9 marshal shall inspect the premises and determine  
10 conformance with the plan review. If he finds conformance,  
11 the state fire marshal shall issue a letter of compliance.  
12 No premises with aboveground flammable or combustible fuel  
13 storage tanks installed shall be used until the state fire  
14 marshal has issued a letter of compliance. If a premise  
15 with aboveground flammable or combustible fuel storage  
16 tanks installed is used prior to issuance of a letter of  
17 compliance, the state fire marshal shall order the use of  
18 the premises to cease until a letter of compliance is  
19 issued, subject to the requirements of subsection (m) of  
20 this section.

21  
22 (p) Any owner aggrieved by an order of the state fire  
23 marshal may appeal to the council within forty-eight (48)  
24 hours. The complaint shall be investigated immediately by

1 direction of the council. Unless the order is revoked by  
2 the council, it shall remain in force and the owner shall  
3 comply.

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5 **Section 2.** W.S. 35-9-108(f) and (g) is repealed.

6

7 **Section 3.** This act is effective July 1, 2003.

8

9

(END)

Draft