

SENATE FILE NO. SF0037

Fire prevention and safety.

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

A BILL

for

1 AN ACT relating to public health and safety; specifying
2 new code standards for fire prevention and safety; applying
3 the new codes to inspections and certification of
4 inspectors; providing for fees; modifying plan review
5 provisions; expanding plan reviews to installation of
6 certain fuel storage tanks; providing thresholds for
7 remodeling, as specified; adding enforcement provisions;
8 modifying fire prevention, protection and safety provisions
9 relating to the duties of the council on fire prevention,
10 electrical safety and energy efficiency in buildings and
11 the state fire marshal; modifying the name of the council;
12 repealing language pertaining to energy conservation;
13 modifying conditions for investigation of fires;
14 authorizing the state fire marshal to assist local building
15 inspectors; providing that local building inspectors can be
16 deputized; modifying authority over school buildings and

1 school capital construction; repealing language; providing
2 fee exemption for schools; repealing hospital exemption;
3 adding propane standards; providing appeal to council for
4 state buildings; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 35-9-102(a)(iv), 35-9-103(a)(iii),
9 35-9-105(a)(ii), 35-9-106(a)(i)(intro), (A) and by creating
10 a new subsection (d), 35-9-107(a)(iii)(D), (E), by creating
11 a new subparagraph (F), (iv), (vi), (b)(ii) and (iii),
12 35-9-108(a)(intro), (iv), by creating a new paragraph (vi),
13 (d) and by creating new subsections (j) through (s),
14 35-9-109(a) and 35-9-121 are amended to read:

15

16 **35-9-102. Definitions.**

17

18 (a) As used in W.S. 35-9-101 through 35-9-130:

19

20 (iv) "Council" means the council on fire
21 prevention, and electrical safety ~~and energy efficiency~~ in
22 buildings;

23

1 **35-9-103. Divisions created; council and board**
2 **created.**

3

4 (a) There are created within the department:

5

6 (iii) The council on fire prevention, and
7 electrical safety ~~and energy efficiency~~ in buildings;

8

9 **35-9-105. Division administrators; qualifications.**

10

11 (a) After consultation with the council and the
12 governor, the state fire marshal shall appoint:

13

14 (ii) The chief electrical inspector who is the
15 administrator of the electrical safety division. He shall
16 be a master electrician and an electrical inspector
17 certified by the International ~~Conference of Building~~
18 ~~Officials~~ Code Council or the International Association of
19 Electrical Inspectors.

20

21 **35-9-106. Powers and duties of council.**

22

23 (a) The council shall adopt rules and regulations to:

24

1 (i) Establish minimum fire standards not
2 exceeding the standards prescribed by the ~~Uniform Fire~~
3 ~~Code, the Uniform Building Code and the Uniform Mechanical~~
4 ~~Code~~ International Fire Code, the International Building
5 Code, the International Mechanical Code and the
6 International Fuel Gas Code for:

7
8 (A) All new building construction or
9 remodeling under W.S. 35-9-108(a);

10
11 (d) The standards for liquefied petroleum gas
12 installations shall be the current edition of NFPA 58
13 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54
14 National Fuel Gas Code. To the extent the standards for
15 liquefied petroleum gas conflict with the standards
16 prescribed by the International Fuel Gas Code, the NFPA 58
17 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54
18 National Fuel Gas Code control.

19
20 **35-9-107. Duties and powers of state fire marshal.**

21
22 (a) The state fire marshal shall:

1 (iii) Implement fire safety programs designed to
2 minimize fire hazards and disasters and loss of life and
3 property from these causes. These programs shall include:

4
5 (D) Critical analysis and evaluation of
6 fire loss statistics to determine problems and solutions;
7 and

8
9 (E) Coordination, development and
10 implementation of training programs designed to assist fire
11 fighters in all phases of fire prevention and suppression
12 activities except the wild land and forestry division fire
13 control programs implemented by the state forester; and

14
15 (F) Acceptance testing on fire alarm
16 systems, fire sprinkler systems and kitchen hood and duct
17 suppression systems.

18
19 (iv) Inspect each state owned building as needed
20 not under the authority of a local governmental entity
21 pursuant to W.S. 35-9-121(b) and require conformance to the
22 minimum standards of fire prevention, fire protection and
23 public safety;

24

1 (vi) Upon request, assist the chief of a fire
2 company or department, a fire marshal, a local building
3 inspector, other state agencies or political subdivisions
4 of the state or county fire wardens in fire prevention
5 matters; and

6
7 (b) The state fire marshal may:

8
9 (ii) Inspect public, business or industrial
10 buildings and require conformance to standards of
11 prevention and safety and of uses of premises as
12 promulgated by the ~~Uniform Fire Code, Uniform Building Code~~
13 ~~and Uniform Mechanical Code~~ International Fire Code, the
14 International Building Code, the International Mechanical
15 Code and the International Fuel Gas Code;

16
17 (iii) Deputize a member of a fire department who
18 is approved by the chief of his department, ~~and~~ or a local
19 building inspector approved by the local governmental
20 entity, provided that the person is qualified to inspect,
21 investigate and carry out orders for the state fire marshal
22 under the rules adopted by the council;

23
24 **35-9-108. Plan review; procedure; fees.**

1

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

15

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

18

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

21

22 (d) The department shall collect fees for plan
23 reviews and other inspections except as provided in
24 subsections (q) and (r) of this section, in the amount

1 provided in the ~~most current building code~~ 1997 Uniform
2 Building Code and adjusted for inflation as adopted by rule
3 or regulation by the council. Fees collected under this
4 subsection shall be deposited into the general fund.

5
6 (j) No new construction or remodeling of buildings or
7 installation of aboveground flammable or combustible fuel
8 storage tanks shall begin until the state fire marshal has
9 approved the plans for compliance with applicable fire and
10 electrical safety standards.

11
12 (k) If new construction or remodeling of buildings or
13 installation of aboveground flammable or combustible fuel
14 storage tanks is commenced without approved plans, the
15 state fire marshal may order the construction, remodeling
16 or installation to cease until plans are approved, subject
17 to the requirements of subsection (m) of this section.

18
19 (m) Orders issued by the state fire marshal pursuant
20 to this section shall be served upon the owner in the
21 manner provided for service of process by the Wyoming Rules
22 of Civil Procedure. The order shall require that the
23 person served immediately cease certain activities until he
24 has complied with the applicable statutory requirements.

1 The order shall be in full force and effect from the time
2 of service until the person complies with the statutory
3 requirement as described in the order, or the order is
4 revoked by the council. If the person fails to cease
5 certain activities as required within forty-eight (48)
6 hours of service, the person is guilty of a misdemeanor.

7
8 (n) After new construction or remodeling of buildings
9 is completed, the state fire marshal shall inspect the
10 building and determine conformance with the plan review.
11 If he finds conformance, the state fire marshal shall issue
12 a certificate of occupancy for a newly constructed building
13 and a letter of compliance for a remodeled building. No
14 newly constructed or remodeled building shall be used or
15 occupied until the state fire marshal has issued a
16 certificate of occupancy or letter of compliance. If a
17 newly constructed or remodeled building is used or occupied
18 prior to the issuance of a certificate of occupancy or
19 letter of compliance, the state fire marshal shall order
20 the use and occupancy of the building to cease until a
21 certificate of occupancy or letter of compliance is issued,
22 subject to the requirements of subsection (m) of this
23 section.

24

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

15

16 (p) Any owner aggrieved by an order of the state fire
17 marshal may appeal to the council within forty-eight (48)
18 hours. The complaint shall be investigated immediately by
19 direction of the council. Unless the order is revoked by
20 the council, it shall remain in force and the owner shall
21 comply.

22

23 (q) A plan review is:

24

1 (i) Not required for remodeling that is exempt
2 from permitting under the International Code;

3
4 (ii) Required for remodeling that costs less
5 than twenty-five thousand dollars (\$25,000.00) and affects
6 a built-in fire protection system for the building,
7 provided a fee of no more than fifty dollars (\$50.00) per
8 hour shall be paid to the department for the review;

9
10 (iii) Required for remodeling that costs twenty-
11 five thousand dollars (\$25,000.00) or more, provided the
12 department shall collect a fee pursuant to subsection (d)
13 of this section.

14
15 (r) There shall be no plan review and inspection fees
16 for school buildings.

17
18 (s) Subsections (a) through (r) shall not apply to
19 remodeling that is exempt under subsection (q).

20
21 **35-9-109. Investigation of fires; notification to**
22 **fire marshal; powers of fire marshal.**

23

1 (a) The county fire warden or chief of the fire
2 department of a city, town or fire district shall
3 investigate the cause, origin and circumstances of each
4 fire occurring in the city, town or district that was
5 reported or subject to emergency response, by which
6 property has been destroyed or damaged. ~~in excess of five~~
7 ~~hundred dollars (\$500.00). The investigation shall be~~
8 ~~commenced within two (2) days. The state fire marshal may~~
9 ~~direct the investigation.~~

10

11 **35-9-121. Local enforcement.**

12

13 (a) The state fire marshal shall delegate complete
14 authority to municipalities and counties which apply to
15 enforce and interpret local or state fire, ~~energy~~
16 ~~efficiency,~~ building or electrical safety standards. The
17 state fire marshal shall notify the governing body of the
18 municipality or county of the minimum standards and
19 requirements of this act and W.S. 16-6-501 and 16-6-502 and
20 transfer jurisdiction and authority by letter. Nothing in
21 this section affects the authority of the state fire
22 marshal or chief electrical inspector regarding state owned
23 or leased buildings.

24

1 (b) Notwithstanding the provisions of subsection (a)
2 of this section a local governmental entity is authorized
3 to assume joint plan review authority with the state fire
4 marshal, and that entity has sole construction inspection
5 authority on the approved plans, and sole authority for
6 periodic fire and life safety inspections on state owned or
7 leased buildings, with the exception of school buildings.
8 The state fire marshal shall retain complete authority over
9 school capital construction. If local code provisions
10 conflict with adopted state codes, the state code prevails.
11 The authority granted to local governmental entities under
12 this subsection is subject to certification of local
13 inspectors as follows:

14
15 (i) If joint plan review authority is requested,
16 certification of a plan reviewer by the international
17 conference of building officials or the International Code
18 Council;

19
20 (ii) If code enforcement authority for fire and
21 building codes is requested, certification of a fire
22 inspector or building inspector by the ~~state fire marshal~~
23 International Code Council or the International Conference
24 of Building Officials;

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(iii) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International ~~Conference of Building Officials~~ Code Council or the International Association of Electrical Inspectors and licensing by the state as a master electrician.

(c) A municipality or county which has enforcement authority under this section may create its own appeals boards to determine the suitability of alternate materials and types of construction. The boards shall be appointed and removed by the governing body of the municipality or county. The council on fire prevention, and electrical safety ~~and energy efficiency~~ in buildings and the electrical board shall serve as appeals boards for a municipality or county that has not created an appeals board under this subsection.

(d) A decision rendered by the local municipal or county appeals board pursuant to subsection (c) of this section regarding state owned or leased buildings may be appealed to the council on fire prevention and electrical safety in buildings for a final decision.

1

2 **Section 2.** W.S. 35-9-106(a)(ii), 35-9-107(b)(i)(C),
3 35-9-108(f) and (g) and 35-9-118(a)(ii) are repealed.

4

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

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(END)