

WORKING DRAFT

HOUSE BILL NO. _____

Fire, building and electrical standards enforcement.

Sponsored by: (s) Hdraft

A BILL

for

1 AN ACT relating to public health and safety; modifying
2 provisions for state and local enforcement of fire,
3 building and electrical safety standards; providing for
4 implementation; 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. 35-9-108(d) and (h) and 35-9-121 are
9 amended to read:

10

11 **35-9-108. Plan review; procedure; fees.**

12

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

1 provided in the 1997 Uniform Building Code and adjusted for
2 inflation as adopted by rule or regulation by the council.
3 Fees collected under this subsection or received by the
4 department under subsection (h) of this section shall be
5 deposited into the general fund.

6
7 (h) Except as otherwise provided in this subsection,
8 nothing in this section shall apply to municipalities or
9 counties which have received enforcement authority for fire
10 safety standards under W.S. 35-9-121. A municipality or
11 county which has assumed enforcement authority under W.S.
12 35-9-121 for only one (1) or two (2) of the fire, building
13 and electrical standards, shall collect the fee established
14 by the department under subsection (d) of this section for
15 the total plan review and shall forward at the time project
16 plans are delivered that portion of the fee collected which
17 is attributable to the value of the specific system or
18 systems reviewed by the department under W.S. 35-9-121(c).
19 The remainder of the fee shall be retained by the
20 municipality or county.

21
22 **35-9-121. Local enforcement.**

23

1 (a) The state fire marshal shall delegate complete
2 authority to municipalities and counties which apply to
3 enforce and interpret local or state fire, building or
4 electrical safety standards and which meet the requirements
5 of this section. The state fire marshal shall notify the
6 governing body of the municipality or county of the minimum
7 standards and requirements of this act and W.S. 16-6-501
8 and 16-6-502 and transfer jurisdiction and authority by
9 letter. Nothing in this section affects the authority of
10 the state fire marshal or chief electrical inspector
11 regarding state owned or leased buildings. Before a
12 municipality or county is granted local enforcement
13 authority for fire, building or electrical standards the
14 state fire marshal shall determine that the local governing
15 body has adopted minimum standards by ordinance or
16 resolution that are equivalent to or more stringent than
17 those applicable standards adopted by the council on fire
18 prevention and electrical safety. If a municipality or
19 county granted local enforcement authority under this
20 subsection fails to adopt or maintain standards by
21 ordinance or resolution that at least meet the statewide
22 standards, enforcement authority shall immediately revert
23 to the department of fire prevention and electrical safety.
24 It shall be the responsibility of the municipality or

1 county to notify the department of fire prevention and
2 electrical safety of the repeal of minimum standards in
3 their jurisdiction.

4
5 (b) Notwithstanding the provisions of subsection (a)
6 of this section a local governmental entity is authorized
7 to assume joint plan review authority with the state fire
8 marshal, and that entity has sole construction inspection
9 authority on the approved plans, and sole authority for
10 periodic fire and life safety inspections on state owned or
11 leased buildings. For the purpose of this section school
12 buildings shall not be construed to be state buildings. If
13 local code provisions ~~conflict with~~ are more stringent than
14 adopted state codes, the ~~state~~ local code prevails. The
15 authority granted to local governmental entities under this
16 subsection is subject to certification of local inspectors
17 as follows:

18
19 (i) If joint plan review authority is requested,
20 certification of a plan reviewer by the international
21 conference of building officials or the International Code
22 Council;

23

1 (ii) If code enforcement authority for fire and
2 building codes is requested, certification of a fire
3 inspector or building inspector by the International Code
4 Council or the International Conference of Building
5 Officials;

6
7 (iii) If code enforcement authority for the
8 electrical code is requested, certification of an
9 electrical inspector by the International Code Council or
10 the International Association of Electrical Inspectors and
11 licensing by the state as a master electrician.

12
13 (c) If a municipality or county has assumed
14 enforcement authority for only one (1) or two (2) of the
15 fire, building and electrical standards, the municipality
16 or county shall deliver any project plans submitted to the
17 municipality or county for approval to the department of
18 fire prevention and electrical safety. The plans for the
19 project shall be delivered within ten (10) days of
20 receiving plans from the applicant.

21
22 ~~(e)~~ (d) A municipality or county which has
23 enforcement authority under this section may create its own
24 appeals boards to determine the suitability of alternate

1 materials and types of construction. The boards shall be
2 appointed and removed by the governing body of the
3 municipality or county. The council on fire prevention and
4 electrical safety in buildings and the electrical board
5 shall serve as appeals boards for a municipality or county
6 that has not created an appeals board under this
7 subsection.

8

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

14

15 **Section 2.** Those municipalities or counties which
16 have been granted local enforcement authority under this
17 subsection prior to April 1, 2005 shall be granted until
18 October 1, 2005 to adopt by ordinance or resolution minimum
19 fire, building or electrical standards that are equivalent
20 to or more stringent than those standards adopted by the
21 council on fire prevention and electrical safety.

22

23 **Section 3.** This act is effective April 1, 2005.

24

(END)