

SENATE FILE NO. SF0042

Fire, building and electrical standards enforcement.

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 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. 35-9-121(a), (b)(intro), by creating
9 a new subsection (c) and by renumbering (c) as (d) and by
10 amending and renumbering (d) as (e) are amended to read:

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12 **35-9-121. Local enforcement.**

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14 (a) The state fire marshal shall delegate complete
15 authority to municipalities and counties which apply to
16 enforce and interpret local or state fire, building or

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

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

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

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1 ~~(e)~~(d) A municipality or county which has enforcement
2 authority under this section may create its own appeals
3 boards to determine the suitability of alternate materials
4 and types of construction. The boards shall be appointed
5 and removed by the governing body of the municipality or
6 county. The council on fire prevention and electrical
7 safety in buildings and the electrical board shall serve as
8 appeals boards for a municipality or county that has not
9 created an appeals board under this subsection.

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

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

24

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

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(END)