

SENATE FILE NO. _____

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) by creating a new
11 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:

23

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 (F) Acceptance testing on fire alarm
6 systems, fire sprinkler systems and kitchen hood and duct
7 suppression systems.

8
9 (iv) Inspect each state owned building ~~as needed~~
10 not under the authority of a local governmental entity
11 pursuant to W.S. 35-9-121(b) and require conformance to the
12 minimum standards of fire prevention, fire protection and
13 public safety;

14
15 (vi) Upon request, assist the chief of a fire
16 company or department, a fire marshal, a local building
17 inspector, other state agencies or political subdivisions
18 of the state or county fire wardens in fire prevention
19 matters; and

20
21 (b) The state fire marshal may:

22
23 (ii) Inspect public, business or industrial
24 buildings and require conformance to standards of

1 prevention and safety and of uses of premises as
2 promulgated by the ~~Uniform Fire Code, Uniform Building Code~~
3 ~~and Uniform Mechanical Code~~ International Fire Code, the
4 International Building Code, the International Mechanical
5 Code and the International Fuel Gas Code;

6
7 (iii) Deputize a member of a fire department who
8 is approved by the chief of his department, ~~and or a local~~
9 building inspector approved by the local governmental
10 entity, provided that the person is qualified to inspect,
11 investigate and carry out orders for the state fire marshal
12 under the rules adopted by the council;

13
14 **35-9-108. Plan review; procedure; fees.**

15
16 (a) Prior to beginning ~~work~~ any new construction, the
17 remodeling of existing buildings except as provided under
18 subsection (q) of this section, or the installation of
19 aboveground flammable or combustible fuel storage tanks,
20 the owner or the owner's designated representative shall
21 submit plans to the state fire marshal ~~and the state fire~~
22 ~~marshal shall for~~ review ~~for of the proposed project for~~
23 compliance with applicable fire and electrical safety
24 ~~considerations and efficient energy usage all plans for~~

1 ~~construction or remodeling, if the cost of remodeling~~
2 ~~exceeds twenty-five percent (25%) of the market value of~~
3 ~~the structure or five thousand dollars (\$5,000.00),~~
4 ~~whichever is less, of~~ standards for:

5
6 (iv) Buildings intended for use as child care
7 centers housing more than ~~eleven (11)~~ ten (10) children;

8
9 (vi) Public and private aboveground fuel
10 dispensing facilities.

11
12 (d) The department shall collect fees for plan
13 reviews and other inspections except as provided in
14 subsections (q) and (r) of this section, in the amount
15 provided in the ~~most current building code~~ 1997 Uniform
16 Building Code and adjusted for inflation as adopted by rule
17 or regulation by the council. Fees collected under this
18 subsection shall be deposited into the general fund.

19
20 (j) No new construction or remodeling of buildings or
21 installation of aboveground flammable or combustible fuel
22 storage tanks shall begin until the state fire marshal has
23 approved the plans for compliance with applicable fire and
24 electrical safety standards.

1

2 (k) If new construction or remodeling of buildings or
3 installation of aboveground flammable or combustible fuel
4 storage tanks is commenced without approved plans, the
5 state fire marshal may order the construction, remodeling
6 or installation to cease until plans are approved, subject
7 to the requirements of subsection (m) of this section.

8

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

21

22 (n) After new construction or remodeling of buildings
23 is completed, the state fire marshal shall inspect the
24 building and determine conformance with the plan review.

1 If he finds conformance, the state fire marshal shall issue
2 a certificate of occupancy for a newly constructed building
3 and a letter of compliance for a remodeled building. No
4 newly constructed or remodeled building shall be used or
5 occupied until the state fire marshal has issued a
6 certificate of occupancy or letter of compliance. If a
7 newly constructed or remodeled building is used or occupied
8 prior to the issuance of a certificate of occupancy or
9 letter of compliance, the state fire marshal shall order
10 the use and occupancy of the building to cease until a
11 certificate of occupancy or letter of compliance is issued,
12 subject to the requirements of subsection (m) of this
13 section.

14
15 (o) After the installation of aboveground flammable
16 or combustible fuel storage tanks is completed, the state
17 fire marshal shall inspect the premises and determine
18 conformance with the plan review. If he finds conformance,
19 the state fire marshal shall issue a letter of compliance.
20 No premises with aboveground flammable or combustible fuel
21 storage tanks installed shall be used until the state fire
22 marshal has issued a letter of compliance. If a premise
23 with aboveground flammable or combustible fuel storage
24 tanks installed is used prior to issuance of a letter of

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

5
6 (p) Any owner aggrieved by an order of the state fire
7 marshal may appeal to the council within forty-eight (48)
8 hours. The complaint shall be investigated immediately by
9 direction of the council. Unless the order is revoked by
10 the council, it shall remain in force and the owner shall
11 comply.

12
13 (q) A plan review is:

14
15 (i) Not required for remodeling that is exempt
16 from permitting under the International Code;

17
18 (ii) Required for remodeling that costs less
19 than twenty-five thousand dollars (\$25,000.00) and affects
20 a built in fire protection system for the building,
21 provided a fee of no more than fifty dollars (\$50.00) per
22 hour shall be paid to the department for the review;

23

1 (iii) Required for remodeling that costs twenty-
2 five thousand dollars (\$25,000.00) or more, provided the
3 department shall collect a fee pursuant to subsection (d)
4 of this section;

5
6 (iv) This section shall not apply to any
7 remodeling that is exempt pursuant to this subsection.

8
9 (r) There shall be no plan review and inspection fees
10 for school buildings.

11
12 (s) Subsections (a) through (n) shall not apply to
13 remodeling that is exempt under subsection (q).

14
15 **35-9-109. Investigation of fires; notification to**
16 **fire marshal; powers of fire marshal.**

17
18 (a) The county fire warden or chief of the fire
19 department of a city, town or fire district shall
20 investigate the cause, origin and circumstances of each
21 fire occurring in the city, town or district that was
22 reported or subject to emergency response, by which
23 property has been destroyed or damaged. ~~in excess of five~~
24 ~~hundred dollars (\$500.00). The investigation shall be~~

1 ~~commenced within two (2) days. The state fire marshal may~~
2 ~~direct the investigation.~~

3
4 **35-9-121. Local enforcement.**

5
6 (a) The state fire marshal shall delegate complete
7 authority to municipalities and counties which apply to
8 enforce and interpret local or state fire, ~~energy~~
9 ~~efficiency,~~ building or electrical safety standards. The
10 state fire marshal shall notify the governing body of the
11 municipality or county of the minimum standards and
12 requirements of this act and W.S. 16-6-501 and 16-6-502 and
13 transfer jurisdiction and authority by letter. Nothing in
14 this section affects the authority of the state fire
15 marshal or chief electrical inspector regarding state owned
16 or leased buildings.

17
18 (b) Notwithstanding the provisions of subsection (a)
19 of this section a local governmental entity is authorized
20 to assume joint plan review authority with the state fire
21 marshal, and that entity has sole construction inspection
22 authority on the approved plans, and sole authority for
23 periodic fire and life safety inspections on state owned or
24 leased buildings, with the exception of school buildings.

1 The state fire marshal shall retain complete authority over
2 school capital construction. If local code provisions

3 conflict with adopted state codes, the state code prevails.

4 The authority granted to local governmental entities under
5 this subsection is subject to certification of local
6 inspectors as follows:

7
8 (i) If joint plan review authority is requested,
9 certification of a plan reviewer by the international
10 conference of building officials or the International Code
11 Council;

12
13 (ii) If code enforcement authority for fire and
14 building codes is requested, certification of a fire
15 inspector or building inspector by the ~~state fire marshal~~
16 International Code Council or the International Conference
17 of Building Officials;

18
19 (iii) If code enforcement authority for the
20 electrical code is requested, certification of an
21 electrical inspector by the International ~~Conference of~~
22 ~~Building Officials~~ Code Council or the International
23 Association of Electrical Inspectors and licensing by the
24 state as a master electrician.

1

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

12

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

18

19 **Section 2.** W.S. 35-9-106(a)(ii), 35-9-107(b)(i)(C),
20 35-9-108(f) and (g) and 35-9-118 (a)(ii) are repealed.

21

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

23

24

(END)