

ENROLLED ACT NO. 22, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING  
2005 GENERAL SESSION

AN ACT relating to public health and safety; modifying provisions for state and local enforcement of fire, building and electrical safety standards; providing for implementation; and providing for an effective date.

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

**Section 1.** W.S. 35-9-121(a), (b)(intro), by creating a new subsection (c) and by renumbering (c) as (d) and by amending and renumbering (d) as (e) is amended to read:

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

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and authority by letter. Nothing in this section affects the authority of the state fire marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following:

(i) Before a municipality or county without local enforcement authority is initially granted local enforcement authority for fire, building or electrical standards the state fire marshal shall determine that the local governing body has adopted minimum standards by ordinance or resolution that are equivalent to or more stringent than those applicable standards adopted by the council on fire prevention and electrical safety;

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(ii) If a municipality or county that has been granted local enforcement authority under this subsection fails to adopt, within six (6) months following the adoption of new standards by the council on fire prevention and electrical safety, or maintain standards by ordinance or resolution that at least meet the statewide standards, enforcement authority shall immediately revert to the department of fire prevention and electrical safety. It shall be the responsibility of the municipality or county to notify the department of fire prevention and electrical safety of the repeal of minimum standards in their jurisdiction.

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

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

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~~(e)~~(d) 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 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)~~(e) A decision rendered by the local municipal or county appeals board pursuant to subsection ~~(e)~~(d) 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.

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

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

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk