

SENATE FILE NO. SF0092

Local governments-plan review authority.

Sponsored by: Senator(s) Pappas, Case, Hicks and Nethercott
and Representative(s) Byrd, Edwards, Furphy,
Sweeney and Zwonitzer

A BILL

for

1 AN ACT relating to fire protection; authorizing local
2 governmental entities to assume sole plan review authority;
3 permitting assistance by the state fire marshal; making
4 conforming amendments; clarifying cross references related
5 to enforcement, inspections, plan review authority and
6 appeals; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 35-9-106(c), 35-9-107(a)(vi), by
11 creating a new paragraph (viii), (b)(i)(intro) and (ii),
12 35-9-108(a)(intro), (j), (n), (o) and (q) by creating a new
13 paragraph (iv), 35-9-118(b), 35-9-119(a)(i),
14 35-9-120(b)(intro) and (e) and 35-9-121(a)(intro),

1 (b) (intro), (i) and by creating a new subsection (g) are
2 amended to read:

3

4 **35-9-106. Powers and duties of council.**

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6 (c) Except as provided under W.S. 35-9-121(d),
7 35-9-121.1(d)(ii) and 35-9-124(a)(ii), the council shall
8 hear appeals to determine the suitability of alternate
9 materials and type of construction and to interpret and
10 grant variances from rules and regulations of the council.

11

12 **35-9-107. Duties and powers of state fire marshal.**

13

14 (a) The state fire marshal shall:

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

21

1 (viii) Upon request, assist a municipality,
2 county or other local governmental entity in exercising
3 authority granted to that entity under W.S. 35-9-121.

4
5 (b) The state fire marshal may:

6
7 (i) Subject to W.S. 35-9-121(b) and
8 35-9-121.1(d), enforce state laws not otherwise enforceable
9 by another state agency concerning:

10
11 (ii) Subject to W.S. 35-9-121(b), inspect
12 public, business or industrial buildings and require
13 conformance to standards of prevention and safety and of
14 uses of premises as promulgated by the International Fire
15 Code, the International Building Code, the International
16 Mechanical Code and the International Fuel Gas Code;

17
18 **35-9-108. Plan review; procedure; fees.**

19
20 (a) Except as provided under subsections (h) and (q)
21 of this section and W.S. 35-9-118, prior to beginning any
22 new construction, the remodeling of existing buildings
23 ~~except as provided under subsection (q) of this section, or~~

1 the installation of aboveground flammable or combustible
2 fuel storage tanks, the owner or the owner's designated
3 representative shall submit plans to the state fire marshal
4 for review of the proposed project for compliance with
5 applicable fire and electrical safety standards for:

6

7 (j) Except as provided under subsections (h) and (q)
8 of this section and W.S. 35-9-118, no new construction or
9 remodeling of buildings or installation of aboveground
10 flammable or combustible fuel storage tanks shall begin
11 until the state fire marshal has approved the plans for
12 compliance with applicable fire and electrical safety
13 standards.

14

15 (n) Except as provided under subsections (h) and (q)
16 of this section and W.S. 35-9-118, after new construction
17 or remodeling of buildings is completed, the state fire
18 marshal shall inspect the building and determine
19 conformance with the plan review or amended plan review.
20 If he finds conformance, the state fire marshal shall issue
21 a certificate of occupancy for a newly constructed building
22 and a letter of compliance for a remodeled building. No
23 newly constructed or remodeled building shall be used or

1 occupied until the state fire marshal has issued a
2 certificate of occupancy or letter of compliance. If a
3 newly constructed or remodeled building is used or occupied
4 prior to the issuance of a certificate of occupancy or
5 letter of compliance, the state fire marshal shall order
6 the use and occupancy of the building to cease until a
7 certificate of occupancy or letter of compliance is issued,
8 subject to the requirements of subsection (m) of this
9 section.

10

11 (o) Except as provided under subsections (h) and (q)
12 of this section and W.S. 35-9-118, after the installation
13 of aboveground flammable or combustible fuel storage tanks
14 is completed, the state fire marshal shall inspect the
15 premises and determine conformance with the plan review.
16 If he finds conformance, the state fire marshal shall issue
17 a letter of compliance. No premises with aboveground
18 flammable or combustible fuel storage tanks installed shall
19 be used until the state fire marshal has issued a letter of
20 compliance. If a premise with aboveground flammable or
21 combustible fuel storage tanks installed is used prior to
22 issuance of a letter of compliance, the state fire marshal
23 shall order the use of the premises to cease until a letter

1 of compliance is issued, subject to the requirements of
2 subsection (m) of this section.

3

4 (q) A plan review is:

5

6 (iv) Not required to be submitted to the state
7 fire marshal if the plan review is submitted to a local
8 governmental entity which has been granted sole plan review
9 authority pursuant to W.S. 35-9-121(b).

10

11 **35-9-118. Exceptions.**

12

13 (b) Nothing in this section prohibits the state fire
14 marshal from assisting, upon request, another state agency,
15 or an owner or operator of property listed in subsection
16 (a) of this section or a municipality, county or other
17 local governmental entity in exercising authority granted
18 to that entity under W.S. 35-9-121.

19

20 **35-9-119. Duties of chief electrical inspector.**

21

22 (a) The chief electrical inspector shall:

23

1 (i) Enforce the minimum requirements for
2 electrical installations except in localities which have
3 received enforcement authority for electrical safety
4 standards under W.S. ~~35-9-121~~ 35-9-121(a);

5

6 **35-9-120. Minimum requirements for electrical**
7 **installations; permits; inspections; fees.**

8

9 (b) Subject to W.S. 35-9-121(b), the chief electrical
10 inspector and his deputies:

11

12 (e) No person shall install electrical equipment in
13 new construction or remodeling, if the remodeling requires
14 a public utility to connect or disconnect and restore
15 electrical power, of a building, mobile home or premises
16 without obtaining an electrical wiring permit. No public
17 utility shall energize an electrical service for an
18 electrical installation which requires an electrical wiring
19 permit until the person responsible for the electrical
20 installation has obtained an electrical wiring permit. A
21 utility may energize an electrical service in an emergency
22 situation without proof that an electrical wiring permit
23 has been obtained, however the utility shall notify the

1 department of the action as soon as possible, but in no
2 case later than five (5) days following the date that the
3 electrical service was energized. Electrical wiring permits
4 shall be issued by the chief electrical inspector upon
5 request. Each permit shall explain procedures and costs for
6 permits and requested inspections conducted by the chief
7 electrical inspector or his deputy electrical inspectors.
8 This subsection does not apply to municipalities and
9 counties granted local enforcement authority for electrical
10 safety standards under W.S. ~~35-9-121~~ 35-9-121(a) and to
11 exempt installations under W.S. 35-9-123(a)(ii) through
12 (v).

13

14 **35-9-121. Local enforcement.**

15

16 (a) The state fire marshal shall delegate complete
17 authority to municipalities and counties which apply to
18 enforce and interpret local or state fire, building,
19 existing building standards or electrical safety standards
20 which meet the requirements of this section. The state
21 fire marshal shall notify the governing body of the
22 municipality or county of the minimum standards and
23 requirements of this act and W.S. 16-6-501 and 16-6-502 and

1 transfer jurisdiction and authority by letter. Except as
2 provided in W.S. 35-9-119(a)(i) and subsection (b) of this
3 section, nothing in this section affects the authority of
4 the state fire marshal or chief electrical inspector
5 regarding state owned or leased buildings. Local
6 enforcement authority under this subsection shall be
7 subject to the following requirements and certification of
8 inspectors:

9
10 (b) Notwithstanding the provisions of subsection (a)
11 of this section a local governmental entity is authorized
12 to assume ~~joint~~ sole plan review authority, ~~with the state~~
13 ~~fire marshal,~~ and, in accordance with W.S. 35-9-107(a)(iv),
14 that entity has sole construction inspection authority on
15 the approved plans, and sole authority for periodic fire
16 and life safety inspections on state owned or leased
17 buildings. For the purpose of this section, school
18 buildings shall be construed to be state buildings. If
19 local code provisions are more stringent than adopted state
20 codes, the local code prevails. The authority granted to
21 local governmental entities under this subsection is
22 subject to certification of local inspectors as follows:

23

1 (i) If ~~joint~~sole plan review authority is
2 requested, certification of a plan reviewer by the
3 international conference of building officials or the
4 International Code Council;

5

6 (g) Nothing in this section prohibits the state fire
7 marshal from assisting, upon request, a municipality,
8 county or other local governmental entity in exercising
9 authority granted to that entity under this section.

10

11 **Section 2.** This act is effective July 1, 2017.

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(END)