

ORIGINAL SENATE
FILE NO. SF0092

ENROLLED ACT NO. 73, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

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

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

Section 1. W.S. 35-9-106(c), 35-9-107(a)(vi), by creating a new paragraph (viii), (b)(i)(intro) and (ii), 35-9-108(a)(intro), (j), (n), (o) and (q) by creating a new paragraph (iv), 35-9-118(b), 35-9-119(a)(i), 35-9-120(b)(intro) and (e) and 35-9-121(a)(intro), (b)(intro), (i) and by creating a new subsection (g) are amended to read:

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

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

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

(a) The state fire marshal shall:

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

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

(b) The state fire marshal may:

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

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

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

(a) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, prior to beginning any new construction, the remodeling of existing buildings ~~except as provided under subsection (q) of this section,~~ or the installation of aboveground flammable or combustible fuel storage tanks, the owner or the owner's designated representative shall submit plans to the state fire marshal for review of the proposed project for compliance with applicable fire and electrical safety standards for:

(j) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, no new construction or remodeling of buildings or installation of aboveground flammable or combustible fuel storage tanks shall begin until the state fire marshal has approved the plans for

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compliance with applicable fire and electrical safety standards.

(n) Except as provided under subsections (h) and (q) of this section and W.S. 35-9-118, after new construction or remodeling of buildings is completed, the state fire marshal shall inspect the building and determine conformance with the plan review or amended plan review. If he finds conformance, the state fire marshal shall issue a certificate of occupancy for a newly constructed building and a letter of compliance for a remodeled building. No newly constructed or remodeled building shall be used or occupied until the state fire marshal has issued a certificate of occupancy or letter of compliance. If a newly constructed or remodeled building is used or occupied prior to the issuance of a certificate of occupancy or letter of compliance, the state fire marshal shall order the use and occupancy of the building to cease until a certificate of occupancy or letter of compliance is issued, subject to the requirements of subsection (m) of this section.

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

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

(q) A plan review is:

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

35-9-118. Exceptions.

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

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

(a) The chief electrical inspector shall:

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

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

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

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(e) No person shall install electrical equipment in new construction or remodeling, if the remodeling requires a public utility to connect or disconnect and restore electrical power, of a building, mobile home or premises without obtaining an electrical wiring permit. No public utility shall energize an electrical service for an electrical installation which requires an electrical wiring permit until the person responsible for the electrical installation has obtained an electrical wiring permit. A utility may energize an electrical service in an emergency situation without proof that an electrical wiring permit has been obtained, however the utility shall notify the department of the action as soon as possible, but in no case later than five (5) days following the date that the electrical service was energized. Electrical wiring permits shall be issued by the chief electrical inspector upon request. Each permit shall explain procedures and costs for permits and requested inspections conducted by the chief electrical inspector or his deputy electrical inspectors. This subsection does not apply to municipalities and counties granted local enforcement authority for electrical safety standards under W.S. ~~35-9-121~~35-9-121(a) and to exempt installations under W.S. 35-9-123(a)(ii) through (v).

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, existing building standards 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

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transfer jurisdiction and authority by letter. Except as provided in W.S. 35-9-119(a)(i) and subsection (b) of this section, 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 requirements and certification of inspectors:

(b) Notwithstanding the provisions of subsection (a) of this section a local governmental entity is authorized to assume ~~joint-sole~~ plan review authority, ~~with the state fire marshal,~~ and, in accordance with W.S. 35-9-107(a)(iv), 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 be construed to be state buildings. If local code provisions are more stringent than adopted state codes, the local code prevails. The authority granted to local governmental entities under this subsection is subject to certification of local inspectors as follows:

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

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

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

(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