

Handbook for Wyoming Building Officials

4/9/2019



Board of Professional
Engineers and
Land Surveyors



Board of Architects
and Landscape
Architects

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PURPOSE AND INTRODUCTION

The regulation of Wyoming's design professionals and the enforcement of building codes have a common goal: protection of public health, safety, welfare and property. The consequences of lapses may be costly and possibly tragic. The purpose of this manual is to provide general information regarding the use of the Acts regulating the practices of architecture, landscape architecture, professional engineering, and professional land surveying. It is prepared for use by government, building, planning, and public officials as well as architects, engineers, land surveyors, and landscape architects. It is not intended to address all questions concerning the above practices. It is not a substitute for the provisions in the law and rules. Wyoming Statutes, regulations, municipal building and zoning codes, and ordinances will take precedence over any conflict with information contained in this manual.

Professional licensure laws are meant to work together with regulations, building and zoning Codes, and ordinances to protect the public's health, safety, welfare and property. These laws direct the efforts of the Boards. Boards exist to implement those laws. Boards accomplish this in part by licensing individuals that have completed education criteria, satisfied experience requirements and passed rigorous technical and practice related examinations. Licensees are held to ethical standards and required to complete continual training to maintain their license. The public is further protected by the Boards' compliance and enforcement efforts.

This publication is the result of collaboration between the Wyoming Board of Professional Engineers and Professional Land Surveyors (BPEPLS) and the Wyoming Board of Architects and Landscape Architects (WBALA).

The specific missions for each board are:

BPEPLS: "Safeguard life, health and property of the public by assuring that those who practice the professions of engineering and land surveying are licensed and attain and maintain competence in those professions."

WBALA: "Contributes to the public health, safety, and welfare, and actively provides regulation of licensure, advocacy and education for the practice of Architects and Landscape Architects in the State of Wyoming."

It is recommended that architects, professional engineers, professional land surveyors, and landscape architects contact local building, planning, and public safety officials with regard to specific site and building regulations, ordinances, codes, and permits and to address requirements that may vary between jurisdictions. For further information or assistance concerning board requirements, contact:

BPEPLS

6920 Yellowtail Road Suite 100
Cheyenne WY 82002
Ph: (307) 777-6156
wyopepls@wyo.gov

WBALA

2001 Capitol Ave, Room 105
Cheyenne, WY 82001
Ph: (307) 777-6529
emily.cronbaugh@wyo.gov

WYOMING STATE FIRE MARSHAL

<http://wsfm.wyo.gov/home-1>

WYOMING DEPARTMENT OF HEALTH

<https://health.wyo.gov/aging/hls/>

This Handbook should not be used as a substitute for the applicable current Wyoming statutes and regulations. It is not legal advice, nor is it designed to replace specialized legal services. In all cases individuals are urged to consult with their legal counsel for specific legal advice, as well as to read the specific language of regulations, statutes and constitution.

GENERAL DEFINITIONS

BPEPLS

Wyoming Board of Professional Engineers and Professional Land Surveyors.

DESIGN PROFESSIONALS

Design Professionals include Wyoming licensed Architects, Landscape Architects, Professional Engineers and Professional Land Surveyors.

PRACTICE ACT

Wyoming Legislature creates laws, referred to as “Statutes” or “Practice Acts” for various licensing bodies. What Boards can and cannot enforce is outlined in their Practice Act. Boards may then clarify specific requirements in their Board Rules provided they were first be granted such authority in their Practice Act. Any changes to a Practice Act must go through and be approved by the Wyoming Legislature.

BOARD RULES

Boards may draft Board Rules which clarify their authority as outlined in their Practice Act. Rules must undergo review by the Wyoming Secretary of State, Wyoming Attorney General’s Office, Wyoming Governor, and Wyoming Legislative Services Office. Board Rules additionally must be published for a minimum of a forty-five day public comment period before the Board may put any Rule change into effect.

WBALA

Wyoming Board of Architects and Landscape Architects.

ARCHITECTURAL DEFINITIONS

33-4-101(a)(ii) of the WBALA Practice Act defines the Practice of Architecture.

“Practice of architecture” means rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services; advice, consultation, planning, architectural design, drawings and specifications; general administration of the contract as the owner’s representative during the construction phase, wherein expert knowledge and skill are required in connection with the erection, enlargement or alteration of any building or buildings, or the equipment, or utilities thereof, or the accessories thereto, wherein the safeguarding of life, health or property is concerned or involved.”

33-4-101(a)(iii) of the WBALA Practice Act goes on to define “Architect”.

“Architect” means anyone licensed to practice architecture under W.S. § 33-4-101 through 117.

This section essentially states that anyone licensed by the Board in accordance with this Practice Act may call themselves an architect.

LANDSCAPE ARCHITECTURAL DEFINITIONS

33-4-101(a)(iv) of the WBALA Practice Act defines the Practice of Landscape Architecture.

“Practice of landscape architecture” means rendering or offering to render service to clients generally, including any one or any combination of the following practices or professional services; advice, consultation, planning, landscape architectural design, drawings and specifications; general administration of the contract as the owner’s representative during the construction phase, wherein expert knowledge and skill are required in connection with landscape enhancement or landscape development, including the formulation of graphic or written criteria to govern the planning or design of land construction projects, production of overall site plans, landscape grading and landscape drainage plans, planting plans, irrigation plans, and construction details wherein in the safeguarding of life, health or property is concerned.”

33-4-101(a)(v) of the WBALA Practice Act goes on to define “Landscape Architect”.

“Landscape architect” means anyone licensed to practice landscape architecture under W.S. § 33-4-101 through 117.

This section essentially states that anyone licensed by the Board in accordance with this Practice Act may call themselves a landscape architect.

PROFESSIONAL ENGINEERING DEFINITIONS

33-29-201(a)(vii) of the PEPLS Practice Act defines the Practice of Professional Engineering.

“Practice of professional engineering” means performing for others or offering to perform for others any “professional service” or “professional creative work” requiring engineering education, training and experience and special knowledge of mathematics, physics and engineering sciences. An individual performs “a professional service” or “professional creative work” in the practice of professional engineering if he:

- (A) Represents himself to be a professional engineer by sign, advertisement, letterhead, card, verbal claim or any other manner;
- (B) Quotes a fee for a professional engineering service;
- (C) Executes a contract or agreement for a professional engineering service;
- (D) Teaches upper division engineering design subjects as a professional engineer at a college or university;
- (E) Performs research investigations as a professional engineer;
- (F) Testifies as an expert in professional engineering; or
- (G) Holds himself out as able to perform or does perform, as a professional engineer, any similar service defined by board rule as the practice of professional engineering.

33-29-201(a)(ix) of the PEPLS Practice Act goes on to define “Professional Engineer”.

“Professional engineer” means an individual who, by reason of intensive preparation in the use of mathematics, physics and engineering sciences including the principles and methods of engineering analysis and design, is qualified to practice professional engineering and is licensed under W.S. § 33-29-401 through 604.

PROFESSIONAL LAND SURVEYING DEFINITIONS

33-29-201(a)(viii) of the PEPLS Practice Act defines the Practice of Professional Land Surveying.

“Practice of professional land surveying” means performing for others or offering to perform for others “professional services” which involve the application of special knowledge or principles of mathematics and methods of measurement for the determination and preservation of land boundaries and for the determination of land features and forms. An individual performs a “professional service” in the practice of professional land surveying if he:

- (A) As a professional land surveyor, makes geometric measurements and gathers related information pertaining to the physical or legal features of the earth, improvements on the earth and the space above, on or below the earth;
- (B) Teaches, as a professional land surveyor, upper division university level land surveying design subjects;
- (C) Performs professional land surveying research as a professional land surveyor;
- (D) As a professional land surveyor, creates work product relating to land surveying such as graphics, data, maps, plans, reports and descriptions;
- (E) Represents himself to be a professional land surveyor by sign, advertisement, letterhead, card, verbal claim or any other way;
- (F) Testifies as an expert in professional land surveying; or
- (G) Holds himself out as able to perform or does perform, as a professional land surveyor, any similar service defined by board rule as professional land surveying.

33-29-201(a)(x) of the PEPLS Practice Act goes on to define “Professional Land Surveyor”.

“Professional land surveyor” means an individual who by reason of specialized knowledge in the technique of measuring land, mathematics, physical and applied sciences, and legal requirements of surveying real property, is qualified to practice professional land surveying and is licensed under W.S. § 33-29-401 through 604.

STAMPING AND SIGNING OF PLANS

Following are excerpts directly from BPEPLS and WBALA Practice Acts related to stamping and signing of plans.

BPEPLS

The seal authorized by the Board for licensees is of the crimp type and/or rubber stamp facsimile and shall be of a design shown. The seal consists of two concentric circles. The upper portion between the two circles shall bear whichever of the following phrases is applicable to the licensee: "Professional Engineer"; "Professional Land Surveyor"; or "Professional Engineer & Land Surveyor." At the bottom of the annular space between the two circles shall appear the inscription "Wyoming"; the inner circle shall contain the name of the licensee, license number and the word "Date." The license number assigned should be centered in the inner area of the seal in the space occupied by the word "NUMBER" and the size of the numbers should not be larger than the word "NAME." The words and parentheses "(NUMBER)", and "(NAME)", should not appear on the seal. Drawings, reports, or documents that require a signature may be signed using a digital signature. A scanned image or other reproduction of an original signature may be used in lieu of an original signature or digital signature if accompanied by the date of signature.

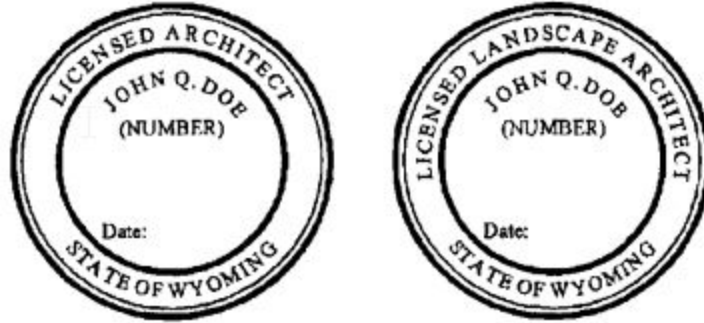


WBALA

Each licensed architect and landscape architect's seal shall be no less than 1 ½" and no more that 2" in diameter. It shall contain the name of the licensed architect or landscape architect; his/her license number, the word "Date:", and the words "LICENSED ARCHITECT-STATE OF WYOMING" or "LICENSED LANDSCAPE ARCHITECT-STATE OF WYOMING" as appropriate. The format of the seal may be a rubber stamp, an embosser, or a digital image. This seal shall approximate the format shown below:



The seal design adopted by the Board below will be accepted for persons licensed April 27, 2001 to December 19, 2011.



The seal design adopted by WBALA below will be accepted for persons licensed prior to April 27, 2001.



Find more information related to Stamping and Signing plans in the Frequently Asked Questions section of this manual.

STATUTORY PROVISIONS & EXEMPTIONS

BPEPLS PROVISIONS

W.S. § 33-29-603. Public works.

(a) Drawings, plans, specifications and estimates for public works of the state or a political subdivision of the state involving professional engineering shall be prepared by or under the personal direction of a professional engineer. The construction of the engineering works shall be executed under the direct supervision of a professional engineer.

(b) Surveys or maps for public works of the state or a political subdivision of the state shall be prepared by or under the personal direction of a professional land surveyor. The surveying work shall be executed under the direct supervision of a professional land surveyor.

W.S. § 33-29-801. Maps, plats, plans and designs for filing or recording to be certified by professional engineer or professional land surveyor; exception; size of maps.

(a) Except for filings with the oil and gas commission pursuant to rules of the oil and gas commission, all maps, plats, plans, designs and all other engineering and surveying documents required to be filed or recorded in the state engineer's office, the office of state lands and investments, all county clerks' offices, all city or town offices, or any other office of public record in the state of Wyoming, shall comply with the following requirements:

(i) Be made by or under the responsible charge of a professional engineer or professional land surveyor and be signed by and bear the seal of the professional engineer or professional land surveyor;

(ii) Hardcopy originals shall be drawn in either waterproof black ink or acetate ink or shall be an acceptable photographic or other kind of reproduction on good quality polyester base drafting film in a minimum thickness of four-thousandths (.004) inch or as otherwise required by the receiving entity;

(iii) Maps formatted as required by the receiving entity may be submitted in electronic form as provided by the Uniform Electronic Transactions Act, W.S. 40-21-101 through 40-21-119;

(iv) Hardcopy documents shall conform to the sizes provided by board rule.

(b) The state engineer may adopt rules and regulations which provide exceptions to paragraph (a)(i) of this section for projects which, because of their size, nature or location, an exception would not impede upon public safety or the integrity of a water right.

BPEPLS EXEMPTIONS

W.S. § 33-29-604. Exemptions and limitations.

(a) The provisions of this act shall not apply to:

(i) An officer or employee of the United States practicing within the scope of his authority and employment;

(ii) An officer or employee of the state of Wyoming performing regulatory reviews within the scope of his authority and employment provided the officer or employee shall not represent himself to be a licensed professional engineer or licensed professional surveyor unless he is so licensed and except when filing water right petitions with the state of Wyoming as provided in title 41 of the Wyoming statutes;

(iii) An individual working for a business entity or licensee provided a licensee exercises responsible charge over all final designs, drawings, maps, plats and plans filed under W.S. 33-29-801;

(iv) A utility company or telecommunications company regulated by the Wyoming public service commission or the company's employees practicing within the scope of their employment and authority;

(v) An individual who performs actions described in W.S. 33-29-201(a)(viii)(A) upon lands owned or leased by him or upon lands owned or leased by an entity, which is not a publicly traded corporation, of which he owns an interest; or

(vi) An irrigation company or employee of an irrigation company when determining elevations and distances necessary to market equipment.

WBALA PROVISIONS

33-4-111. Persons not required to comply with provisions. All officers and employees of the United States government while engaged in governmental work in this state shall not be required to comply with the provisions of this act. Landscape architecture as applied in this act shall not restrict the practice of architecture, or engineering; nor shall it restrict the customary services normally rendered by landscape nurseries and landscape contractors.

33-4-112. Persons required to qualify or register as “architect”; exceptions. All persons

shall register as an architect in order to make architectural plans and specifications for buildings except those buildings which are specifically exempted in W.S. 33-4-117.

WBALA EXEMPTIONS

W.S. § 33-4-117. Exemptions.

(a) Nothing in this act prohibits any person from preparing plans and specifications, designing, planning or administering the construction contracts for the construction, alteration, remodeling or repair of any of the following:

(i) Private residences;

(ii) Garages, commercial or industrial buildings, office buildings, preengineered metal buildings and buildings for the marketing, storage or processing of farm products and warehouses, which do not exceed two (2) stories in height, exclusive of a one (1) story basement, and which under applicable building code or codes, are not designed for occupancy by more than ten (10) persons;

(iii) Farm buildings;

(iv) Nonstructural alterations of any nature to any building if the alterations do not affect the safety of the occupants of the building.

(b) Nothing in this act shall be construed:

(i) As curtailing or extending the rights of any other legally recognized profession;

(ii) As prohibiting the practice of architecture by any legally qualified architect of this state or another state who is employed by the United States government while in the discharge of his official duties;

(iii) To prevent the independent employment of a registered professional engineer for any professional service related solely to civil, structural, mechanical or electrical engineering in connection with any building or building project.

(c) This act in no way supersedes, overrides or amends the provisions of chapter 29 of this title regarding registration of professional engineers and professional land surveyors.

REPORTING VIOLATIONS

In order to protect the health, safety, and welfare of the public, code enforcement officials are requested to report all violations of the respective design professionals by making a formal, written complaint with either BPEPLS or WBALA.

If you wish to report a possible violation, you must submit a formal, written complaint to the appropriate board. BPEPLS complaint form:

<http://engineersandsurveyors.wyo.gov/forms/how-to-file-a-complaint>

To call BPEPLS to ask questions or seek clarification, call 307-777-6155.

WBALA complaint form:

<http://architects.wyo.gov/complaint>

To call WBALA to ask questions or seek clarification, call 307-777-6529.

It would be helpful to retain copies of drawings or other documents submitted to the code enforcement office that may form the basis of the complaint.

REGULATING JURISDICTIONS

WHO DO YOU CONTACT?

It is the responsibility of the design professional to verify the regulating jurisdictions based on the project's location. Multiple jurisdictions may apply depending on the nature of the project.

Application of "Home Rule" for plan review and construction site visits depends on the location of your project. It is applied differently by different agencies for different projects.

This is intended as a resource and not a complete list of all regulating jurisdictions that may be involved in a project.

- Does your building or project require review by the State Fire Marshal's Office?
 - [Click here to verify](#) or call 307-777-7288.
- Does your facility need to be licensed by the Department of Health?
 - [Click here to verify](#) or call 307-777-7123.
- Does your project require approval by the State Engineer's Office?
 - [Click here to verify](#) or call 307-777-6150.
- Does your project impact air or water quality?
 - [Click here to verify](#) or call 307-777-7937.
- Does your project involve solid or hazardous waste?
 - [Click here to verify](#) or call 307-777-7937.
- Does your project involve other environmental impact?
 - [Click here to verify](#) or call 307-777-7937.
- Does your project fall under city or county regulations?
 - *See individual cities and counties prior to design to verify.*

FREQUENTLY ASKED QUESTIONS

STAMPING AND SIGNING PLANS

Q: Can a design professional sign and seal technical submissions prepared by unlicensed consultants?

A: No. This would constitute illegal “plan stamping,” and subject the licensee to disciplinary action.

Q: May a professional sign and seal drawings prepared by others?

A: No. The design professional must be in direct supervision of the work.

Q: Are professional engineers and structural engineers required to seal all technical submissions they prepared even though they are sealed by an architect?

A: Yes. The professional engineer shall seal all work they are in responsible charge for.

Q: Can design professionals sign and seal technical submissions prepared by unlicensed subconsultants?

A: No. The design professional must be in direct supervision of the work.

Q: I have a set of plans sealed and signed by an architect or professional engineer licensed in a state other than Wyoming. Does the plan submittal meet the requirements for a design professional in Wyoming?

A: No. Only design professionals currently licensed with BPEPLS or WBALA have any legal standing in Wyoming. Professionals licensed in other states must obtain licensure in Wyoming prior to performing or rendering any design work within Wyoming.

Q: Must each page of a set of technical submissions be sealed and signed by the licensed design professional who prepares them?

A: No. If a table of contents is on the cover page, only the cover page needs to be sealed and signed. If no table of contents, each page must be signed.

Q: May code enforcement officials require the design professional of record to seal and sign the drawings of a licensed consultant?

A: No. If a code enforcement official requires a seal and signature it should be by the licensed professional consultant.

Q: Do all components of a building or structure have to be shown on the design drawings?

A: As summarized by National Society of Professional Engineers (NSPE), the U.S. vs Spearin Supreme Court case requires “if that contractor is bound to build according to plans and specifications prepared by the owner, the contractor will not be responsible for the consequences of defects in the plans and specifications. This responsibility of the owner is not overcome by the usual clauses requiring builders to visit the site, to check the plans, the inform themselves of the

requirements of the work, ...and to assume responsibility for the work until completion and acceptance.” (United States v. Spearin (248 U.S. 132)) Drawings should show how the structure will be constructed. Some components are standard in the industry and others need more detail to be understood and constructable.

Q: Can an owner, builder, contractor or code enforcement official make changes to a design professional’s plans?

A: No. Not without the design professional approval of the change.

Q: If a change is needed to a portion of a sealed plan set, who reseals the plan?

A: The plan does not need to be resealed. However the design professional can seal a portion of the plan that is changed.

Q: May code enforcement officials require a design professional to certify that the construction of a project is in conformance with the design documents?

A: The design professional is not statutorily required under the practice Acts to certify that the construction work is in conformance. However, local ordinances may require a statement that to the best of the design professional’s knowledge and belief, the condition of the project is in conformance with the design documents and applicable building codes. Some jurisdictions require such a statement before a Certificate of Use or Occupancy will be issued.

Q: Are there limitations on the types of technical submissions a design professional may prepare, seal and sign?

A: No. If by definition, the work is interpreted by statute to be within the practice of the profession, then the professional shall apply their seal.

Q: What should a code enforcement official do when the original design professional is no longer the design professional of record and design changes or corrections are required?

A: For the protection of the owner and occupants, the integrity of the project must remain consistent. Ask the owner, architect, engineer, and/or general contractor for the new changes or amendments to be sealed. They will resolve how this happens with a different professional.

Q. Are licensed design professionals required for design of building utilities such as electrical service, steam systems, or refrigeration systems where no changes or additions to the buildings are necessary?

A: Only if the systems are modified beyond the work of the utility company.

Q: Can a licensee use electronic/digital signatures?

A: Yes.

Q: Do public works projects need a design professional?

A: Yes. See Wyoming Statutes 33-29-603. BPEPLS Rules Chapter 1 Section 2 (p) “Public works” means all fixed works constructed for public use, whether or not done under public supervision or

direction, or paid for wholly or in part out of public funds or assessment of property owners or rights users.

Q: When does a design override a code?

A: PEPLS says that while the building codes have been vetted by professionals engineers, architects and building officials they should be considered minimum standards. Many municipal and county codes/standards have not been vetted but are still considered minimum requirements. The professional engineer shall "hold paramount the safety, health, and welfare of the public", therefore given the specific site conditions and the intended use of the facility the design may need to override and exceed the minimum standards in the Code.

A: WBALA says never.

Q: What responsibility/liability is accepted by a professional when a seal & signature are applied?

A: PEPLS says that In accordance with W.S. 33-29-601 the application of a professional seal shall constitute certification that the work was done by the professional licensee or under his responsible charge, and that the licensee is competent in the subject matter. Liability is determined by the contract between the professional and the professional's client.

A: WBALA does not regulate insurance and liability.

LICENSURE AND THE USE OF LICENSEES

Q: When should an architect be hired for a building project?

A: When the project is three (3) or more stories in height or occupancy as determined by the appropriate building code is designed for ten (10) or more persons. An architect is not required if making nonstructural alterations of any nature to any building if the alterations do not affect the safety of the occupants of the building. The four exemptions can be found in W.S. 33-4-117 of the Board's Practice Act.

Q: Do design/build projects require a design professional to participate?

A: This is an owner's option for a design and construction methodology. The requirements of a professional is on a project by project basis.

Q: Are licensed architects or professional engineers authorized to perform land surveys, establishing and re-establishing property boundaries without a professional land surveyor's license?

A: No.

Q: Is a separate registration required for entities (businesses/firms) which offer design services?

A: BPEPLS does require firm registration. WBALA does not. All companies doing business in Wyoming must be registered with the Wyoming Secretary of State's office.

Q: May an unlicensed person or entity advertise, bid on projects, or offer architectural, landscape architectural, professional land surveying, or professional engineering services?

A: WBALA does not permit architects and landscape architects to advertise or bid on projects without first being licensed.

Q: Who may use the title of architect, landscape architect, professional land surveyor, professional engineer or structural engineer?

A: Only individuals who are licensed by the State of Wyoming and hold valid professional design licenses may use the title of architect, landscape architect, professional land surveyor, professional engineer or structural engineer.

Q: Can a landscape architect, professional engineer, or land surveyor design site grading and drainage plans?

A: Depends on jurisdiction, generally engineer and landscape architect can design site grading and drainage plans.

Q: May an architect or professional engineer serve as the principal design professional on a multi-disciplined project?

A: Yes.

Q: What ethical standards are professional engineers and land surveyors held to?

A: W.S. § 33-29-702 establishes that an individual or business entity is subject to disciplinary action for a violation of the code of ethics. Board Rule addresses that two places. First, Chapter 5 Section 7 provides the Rules of Professional Conduct and goes on to adopt and incorporate the NSPE “Code of Ethics for Engineers” dated July 2007 and the NSPS “Surveyor’s Creed and Canons copyright 1996-2012. BPEPLS provides access to these documents on their website at: <https://engineersandsurveyors.wyo.gov/publications/state-statutes>

Q: What ethical standards are architects and landscape architects held to?

A: Architects are required to adhere to NCARBs Rules of Conduct adopted by the Board and effective July 2014, found at <http://architects.wyo.gov/rules>. Landscape Architects are required to adhere to ASLAs Code of Professional Ethics adopted by the Board and effective on November 5, 2015, found at <http://architects.wyo.gov/rules>.

RELATED INFORMATION

Wyoming Department of Fire Prevention and Electrical Safety (State Fire Marshal)

320 West 25th St, 3rd Floor

Cheyenne, WY 82002

Ph: (307) 777-7288

<http://wsfm.wyo.gov/>

Wyoming Contractor's Association

611 W 20th St (Physical)

PO Box 965 (Mailing)

Cheyenne, WY 82003

Ph: (307) 632-0573

<http://wca-agc.build/>

Wyoming Conference of Building Officials

<http://www.wcbo.us/>

International Code Council

<https://www.iccsafe.org/>